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Utah Marriage & Divorce Laws

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**UTAH
MARRIAGE
AND
DIVORCE
LAWS**

2020 Edition

Introduction

This manual contains a brief explanation of Utah marriage and divorce laws, as well as sample Utah divorce forms (Appendixes). The provided forms are for reference only. Fillable online forms are provided at the [Utah Online Court Assistance Program](#) (OCAP) website, and readers are strongly encouraged to use that system as much as possible. The forms not from OCAP were originally created by Steve Averett and patterned after forms used at Utah Legal Services, Inc. and at Utah's Fourth District Court. Credit is given to all involved for their contributions.

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Chapter 1 Marriage, Divorce, and Annulment

Marriage

Marriage is a sacred and important relationship. Dissolution of a marriage can result in extreme difficulties for each member of a family.¹

Marriage is discussed in sections 30-1-1 to 30-1-39 of the Utah Code. Marriages are generally prohibited and void between close relatives (i.e., marriages between parents and children, ancestors and descendants, siblings, uncles and nieces or nephews, aunts and nieces or nephews, first cousins, and individuals related within but not including the fifth degree of consanguinity).² Marriage is also prohibited and void if one spouse is married to someone else. Applicants who are 16 or 17 may marry only with parental or guardian and judicial consent.

Foreign marriages are valid even if they would be prohibited and void under Utah law, so long as they do not result in a marriage between people related within and including the third degree of consanguinity.³

The parties must receive a marriage license prior to their marriage.⁴ The marriage license may only be used within the state of Utah and must be used within 30 days of the date it was issued.⁵

Marriages may be solemnized by a county clerk (or their designee), the governor, mayors, judges, etc., and by any individual 18 or older who has been authorized by a religious denomination (at their discretion).⁶ Within 30 days after a marriage is solemnized, the individual who solemnized it is to return the license and marriage certificate to the county clerk, who is to file and record it. The penalty for failure to return the license and certificate as specified is an infraction.⁷

Even if a marriage is not solemnized, it is valid if the court or administrative order finds that it results from “a contract between a man and a woman who: (a) are of legal age and capable of giving consent; (b) are legally capable of entering a solemnized marriage”; “(c) have

¹ See generally Judith Wallerstein, Julia Lewis & Sandy Blakeslee, The Unexpected Legacy of Divorce: a 25 Year Landmark Study (2000).

² Utah Code Ann. § 30-1-1 (LexisNexis 2013). Marriages between first cousins are allowed if both parties are at least 65 years old or if they are at least 55 years old and unable to reproduce. Utah Code Ann. § 30-1-1(2) (LexisNexis 2013)

³ Utah Code Ann. § 30-1-4 (LexisNexis 2013).

⁴ See Utah Code Ann. § 30-1-7 (LexisNexis 2013).

⁵ Utah Code Ann. § 30-1-7 (LexisNexis 2013).

⁶ Utah Code Ann. § 30-1-6 (LexisNexis Supp. 2019).

⁷ Utah Code Ann. §§ 30-1-11 to -12 (LexisNexis Supp. 2019).

cohabited; (d) mutually assume marital rights, duties, and obligations; and (e) who hold themselves out as and have acquired a uniform and general reputation as husband and wife.”⁸

Annulment

If a marriage fails, it can be dissolved by annulment or divorce. A marriage may be annulled if it is prohibited or void or if common law grounds exist (e.g., fraud in the inducement of marriage).⁹ A party that sues for annulment can request a divorce as alternative relief.¹⁰

Divorce

The grounds for divorce are impotency, adultery, willful desertion for more than a year, willful failure to provide support, habitual drunkenness, felony conviction, cruel treatment, irreconcilable differences, incurable insanity, or separation of three years under a decree of separate maintenance.¹¹ Either the husband or the wife must be a county resident for 3 months before filing the divorce action.¹²

At the beginning of a divorce case the petitioner needs to file a cover sheet, certificate of divorce, and complaint. An affidavit of impecuniosity may be filed if the petitioner is low income. Otherwise the cost of the divorce is \$310.¹³

The complaint must be served on the respondent within 120 days after the filing of the complaint or the case is to be dismissed without prejudice.¹⁴ A party may also accept service without being served and an attorney may accept service on behalf of a client.¹⁵ If the action is started by serving the summons and complaint, these documents and the proof of service must be filed within ten days of service or the action is to be “deemed dismissed” and the court has “no further jurisdiction.”¹⁶

⁸ Utah Code Ann. § 30-1-4.5 (LexisNexis 2013). In the case of Hansen v. Hansen, 958 P.2d 931 (Utah Ct. App. 1998), the court found that the elements necessary to establish a common law marriage must be proven by preponderance of the evidence. In that case no common law marriage was established, although the parties had been previously married, divorced, and then began cohabiting, again. The court found that the wife had not consented to the marriage and that the couple had not consistently held themselves out as husband and wife and had not acquired a uniform and general reputation as husband and wife. In Kelley v. Kelley, 9 P.3d 171 (Utah Ct. App. 2000) a common law marriage was found to exist, based upon these factors.

⁹ See Utah Code Ann. § 30-1-17.1 (LexisNexis 2013) and Haacke v. Glenn, 814 P.2d 1157 (Utah Ct. App. 1991).

¹⁰ Utah Code Ann. § 30-1-17.4 (LexisNexis 2013).

¹¹ Utah Code Ann. § 30-3-1(3) (LexisNexis 2013).

¹² Utah Code Ann. § 30-3-1(2) (LexisNexis 2013).

¹³ Utah Code Ann. § 78A-2-301(1)(b)(iv) (LexisNexis Supp. 2019).

¹⁴ Utah R. Civ. P. 4(b). The court may approve a longer time period. Utah R. Civ. P. 4(b).

¹⁵ Utah R. Civ. P. 4(d)(3).

¹⁶ Utah R. Civ. P. 3(a).

Service may be by personal service, by someone 18 or older but not a party or a party's attorney.¹⁷ Service may also be done through other service (e.g., by publication) if the identity or whereabouts of the person to be served are unknown or cannot be ascertained through reasonable diligence.¹⁸ Proof of service must be filed with the court in accordance with Rule 4(e) of the Utah Rules of Civil Procedure (e.g., a document that says the date, place, and manner of service).

The respondent, who is served in Utah, has 21 days to answer the complaint.¹⁹ Claims that the respondent has against the petitioner are to be included as counterclaims.²⁰ The respondent can also seek dismissal of the complaint (e.g., for lack of jurisdiction)²¹ or try to quash service²².

Unless extraordinary circumstances exist, parties to a divorce action must wait at least 30 days after filing a complaint before a hearing may be held.²³ If there are children of the marriage, a divorce may not be granted until both parties have attended a divorce education class, unless this requirement is waived by the court.²⁴ The court may also order the divorce education for unmarried parents who are involved in a custody or visitation case.²⁵

A divorce case can be resolved by default,²⁶ stipulation, or trial. If the case is resolved by default, the petitioner may need to file a default certificate, to be signed by the court clerk. In default or stipulated cases the parties will need to file documents called: "Motion for Default" and "Affidavit of Grounds and Jurisdiction." If the case is resolved by stipulation a copy of the stipulation needs to be filed with the court. In all divorce cases (whether resolved by default, stipulation, or trial), the following two documents must be filed: "Findings of Fact and Conclusions of Law" and "Decree of Divorce."

¹⁷ Utah R. Civ. P. 4(d)(1).

¹⁸ Utah R. Civ. P. 4(d)(5).

¹⁹ Utah R. Civ. P. 12(a).

²⁰ Utah R. Civ. P. 13(a).

²¹ See Utah R. Civ. P. 12(b).

²² See Bonneville Billing v. Whatley, 949 P.2d 768 (Utah Ct. App. 1997).

²³ Utah Code Ann. § 30-3-18 (LexisNexis Supp. 2019).

²⁴ Utah Code Ann. §§ 30-3-4(1)(c), 30-3-11.3 (LexisNexis Supp. 2019).

²⁵ Utah Code Ann. § 30-3-11.3(4) (LexisNexis 2013).

²⁶ See Utah R. Civ. P. 55.

Chapter 2 Jurisdiction and Service of Process

Jurisdiction In General

Utah courts have divorce jurisdiction over people who have resided in Utah in a marital relationship, even if they have moved away.²⁷ Rule 3(b) of the Utah Rules of Civil Procedure says that the court has jurisdiction “from the time of the filing of the complaint or service of the summons and a copy of the complaint.”

District Court Jurisdiction Versus Juvenile Court Jurisdiction

Utah district courts generally have jurisdiction over civil matters.²⁸ The juvenile court has exclusive jurisdiction in proceedings involving minors who have been abused or neglected.²⁹ The juvenile court may acquire jurisdiction over a case involving a child who has been abused or neglected and may change prior district court orders related to custody, support, and parent-time.³⁰

The Utah Uniform Child Custody Jurisdiction and Enforcement Act and the Parental Kidnapping Prevention Act of 1980

The Uniform Child Custody Jurisdiction and Enforcement Act (Uniform Act) and the Parental Kidnapping Prevention Act of 1980 (PKPA) determine whether or not Utah is the appropriate jurisdiction for custody determinations, largely considering where the children reside and where they have resided for the past six months.

Utah has adopted the Uniform Act, which is found in sections 78B-12-101 to 78B-12-302 of the Utah Code. It says that Utah courts have child custody jurisdiction if one of the following situations exists: (1) Utah was the child's home state³¹ at the beginning of the case (or was the child's home state within six months of the beginning of the case, even though the child has moved away, so long as a parent still lives in the state); (2) a court of another state does not have jurisdiction or has declined to exercise jurisdiction and the child and a parent have a significant connection with Utah (where substantial evidence exists); (3) all courts having jurisdiction have declined to exercise it because Utah is the more appropriate forum; or (4) no state would have jurisdiction.³²

²⁷ Utah Code Ann. § 78B-3-205(6) (LexisNexis 2012).

²⁸ Utah Code Ann. § 78A-5-102(1) (LexisNexis 2012).

²⁹ Utah Code Ann. § 78A-6-103(1)(c) (LexisNexis Supp. 2019).

³⁰ Utah Code Ann. § 78A-6-104(4) (LexisNexis 2012).

³¹ "Home State" is defined as “the state in which a child lived with a parent or person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding.” Utah Code Ann. § 78B-13-102(7) (LexisNexis 2012).

³² Utah Code Ann. § 78B-13-201 (LexisNexis 2012).

Utah continues to have “exclusive, continuing jurisdiction” until either: (1) a Utah court determines that the child (or the child and a parent (or person acting as a parent)) no longer have a significant connection to Utah and substantial evidence is no longer available, here, or (2) a court finds that the child and parents (or persons acting as a parents) have moved away from Utah.³³ A Utah court that has exclusive continuing jurisdiction may decline to exercise jurisdiction if it is an “inconvenient forum.”³⁴ A Utah court that has made a ruling about child custody, but “does not have exclusive, continuing jurisdiction” is permitted to modify the ruling “only if it has jurisdiction to make an initial custody determination”³⁵ Likewise, a Utah court may not modify a child custody determination of another state unless: (1) the Utah court “has jurisdiction to make an initial determination” and the other court either “determines that it no longer has exclusive, continuing jurisdiction” or determines that Utah “would be a more convenient forum,” or (2) either court determines that neither the child or a parent (or person acting as a parent) presently resides in the other state.³⁶

A Utah court has temporary emergency jurisdiction if a child is in the state and has been abandoned or needs protection from mistreatment or abuse.³⁷ Courts may consult with each other if there is a dispute about which is the most appropriate forum.³⁸

Under the Uniform Act, each party must include (“if reasonably ascertainable”), under oath, as part of his or her first pleading or in a separate affidavit: (a) the child’s present address, (b) each residence of the child for the previous five years, (c) names and current addresses of persons with whom the child lived during that time, (d) whether the party has participated in other proceedings concerning custody or parent-time of the child and, if so, the court, case number, and date of the child custody determination, (e) whether the party knows of any proceeding that could affect the current proceeding (such as domestic violence, protective orders, termination of parental rights, and adoptions) and, if so, the court, case number, and nature of the proceeding, and (e) whether the party knows the names and addresses of any other people the who have or claim physical custody of the child and, if so, the names and addresses of those people.³⁹

Under the PKPA federal courts are given jurisdiction to combat interference with child custody.⁴⁰ The PKPA is similar to the Uniform Act in determining which state should have jurisdiction over a child custody action.⁴¹ A court in a state, other than the one which originally

³³ Utah Code Ann. § 78B-13-202(1) (LexisNexis 2012).

³⁴ Utah Code Ann. § 78B-13-202(2) (LexisNexis 2012).

³⁵ Utah Code Ann. § 78B-13-202(3) (LexisNexis 2012).

³⁶ Utah Code Ann. § 78B-13-203 (LexisNexis 2012).

³⁷ Utah Code Ann. § 78B-13-204 (LexisNexis 2012).

³⁸ See Utah Code Ann. § 78B-13-110 (LexisNexis 2012).

³⁹ Utah Code Ann. § 78B-13-209(1) (LexisNexis 2012).

⁴⁰ Pub. L. No. 96-611, §§ 6-10, 94 Stat. 3568-73 (1980).

⁴¹ Compare Utah Code Ann. §§ 78B-13-201, 203, 204 (LexisNexis 2012), with 28 U.S.C. 1738A (2012).

entered the divorce decree, is allowed to modify a decree if it has jurisdiction and the original court no longer has jurisdiction or has declined to exercise jurisdiction.⁴²

The PKPA,⁴³ the Uniform Act,⁴⁴ and the United States Constitution⁴⁵ require that full faith and credit be given to any custody decree of a court which had jurisdiction. Utah district courts can register other states' child custody determinations.⁴⁶ In addition, child custody interference may be combatted through the use of criminal laws, contempt proceedings, tort actions, and preventive measures.

The Hague Convention on the Civil Aspects of International Child Abduction

The Hague Convention on the Civil Aspects of International Child Abduction (in effect between the U.S. and about 30 other countries) helps with the return of abducted children and the exercise of parent-time rights across international boundaries. The Uniform Act allows enforcement of the Hague Convention on the Civil Aspects of International Child Abduction.⁴⁷

Venue

Divorce actions “must be tried in the county in which the cause of action arises” or where the “defendant resides at the commencement of the action”,⁴⁸ unless a change of venue is sought⁴⁹.

⁴² 28 U.S.C. § 1738A(f) (2016). The PKPA allows the use of the federal parent locator service to assist in finding children who have been wrongfully taken. 42 U.S.C. § 653(a)(3) (2016).

⁴³ 28 U.S.C. § 1738A(a) (2016).

⁴⁴ Utah Code Ann. § 78B-13-313 (LexisNexis 2012).

⁴⁵ U.S. Const. art. IV, § 1.

⁴⁶ Utah Code Ann. § 78B-13-305 (LexisNexis 2012).

⁴⁷ Utah Code Ann. § 78B-13-302 (LexisNexis 2012).

⁴⁸ See Utah Code Ann. § 78B-3-307(1) (LexisNexis 2012).

⁴⁹ See Utah Code Ann. § 78B-3-309 (LexisNexis 2012).

Chapter 3 Child Custody

Child custody issues arise in divorce, legal separation, protective orders, child abuse cases, and paternity cases. Two types of child custody must be considered: legal custody and physical custody. Legal custody has to do with a parent's rights, privileges, duties, and powers, regarding a child, including authority to make decisions. Physical custody has to do with where the child will live.

The trial court has broad discretion to determine custody.⁵⁰

Custody in General

In cases where the parties are separated or where a marriage is declared void or dissolved the court shall enter an order of custody and parent-time, and the court shall have continuing jurisdiction to modify the order.⁵¹ In making custody determinations, the court is to consider the best interests of the child, and may consider the following factors: (1) evidence of domestic violence, neglect or abuse; (2) ability to meet the developmental needs of the child; (3) capacity and willingness to function as a parent; (4) past conduct and moral character; (5) emotional stability; (6) drug abuse, excessive drinking or other causes affecting the ability to function as a parent; (7) intentionally exposing the child to harmful material, including pornography; (8) reasons for having relinquished custody or parent-time in the past; (9) desire for custody or parent-time; (10) religious compatibility; (11) financial responsibility; (12) relationships with step-parents, extended family, etc.; (13) who has been the primary caretaker; (14) previous arrangements in which the child has been happy and well-adjusted; (15) keeping siblings together; (16) wishes and concerns of a mature child; (17) strength of bond with parents; and (18) any other factor the court finds relevant.⁵²

There can be joint, split, or sole custody. Joint custody may be either joint legal custody, joint physical custody, or both. Joint legal custody means sharing the rights, privileges, duties and powers of a parent. Joint physical custody means that both parents have periods of time during which the children reside with them and that both parents contribute to the support and expenses of the child. There is a rebuttable presumption that joint legal custody is in the best interests of the child except when there is evidence of domestic violence, neglect or abuse; special physical or mental needs; physical distance between the residences of the parents; or other factors the court deems relevant.⁵³

⁵⁰ Moon v. Moon, 790 P.2d 52, 54 (Utah Ct. App. 1990).

⁵¹ Utah Code Ann. § 30-3-10(1) (LexisNexis Supp. 2019).

⁵² Utah Code Ann. § 30-3-10(2)(a-r) (LexisNexis Supp. 2019).

⁵³ See Utah Code Ann. § 30-3-10.1(3) (LexisNexis Supp. 2018) (staying with each parent overnight at least 30% of the time); Utah Code Ann. § 78B-12-102(15) (LexisNexis Supp. 2018) (staying with each parent overnight at least 30% of the time “and both parents contribute to the expenses of the child in addition to paying child support”).

Split custody “means that each parent has physical custody of at least one of the children.”⁵⁴ Sole physical custody is where one parent has all the children residing with them and the other parent has some type of parent-time rights.

A presumption favors natural parents and adoptive parents over nonparents.⁵⁵ That presumption may be rebutted by evidence that: (1) no strong mutual bond exists, (2) the parent has not demonstrated a willingness to sacrifice their own “interest and welfare” for the child, and (3) the parent lacks sympathy and understanding of the child.⁵⁶ Once that presumption is rebutted the custody decision is made based on “the best interests of the child.”⁵⁷

Joint Custody and Parenting Plans

The court may not order joint legal and/or joint physical custody unless one or both of the parents files a parenting plan and the court determines it is in the best interests of the child.⁵⁸ A parenting plan is a “plan for parenting a child, including allocation of parenting functions” such as maintaining a loving relationship, attending to daily needs, education, assisting with interpersonal relationships, exercising appropriate judgment, and financial support.⁵⁹ Any party seeking a “shared parenting arrangement,” such as joint custody, is to “file and serve a proposed parenting plan” when they file their petition, answer, or counterclaim.⁶⁰ A party that files a proposed parenting plan, as required, may “move the court for an order of default to adopt the plan if the other party fails to file a proposed parenting plan.”⁶¹ The parenting plan must include provisions concerning future dispute resolution, “allocation of decision-making authority,” residential arrangements, and “provisions addressing notice and parent-time responsibilities in the event of the relocation of either party.”⁶² “[E]ither parent may make emergency decisions affecting the health or safety of the child.”⁶³ Each parent is allowed to “make decisions regarding the day-to-day care and control of the child” during times that “the child is residing with that parent.”⁶⁴ Other provisions may be included “regarding the welfare of the child.”⁶⁵

In deciding whether or not to make an order of joint legal custody and/or joint physical custody, the court is to determine whether the best interest of the child will be served by such an

⁵⁴ Utah Code Ann. § 78B-12-102(21) (LexisNexis Supp. 2019).

⁵⁵ Hutchison v. Hutchison, 649 P.2d 38, 39-42 (Utah 1982) (vacating trial court decision which had awarded custody of three children to father, including one who was not his biological child); In re H.R.V., 906 P.2d 913, 917 (Utah Ct. App. 1995) (parental presumption does not apply to later proceedings, once it has been rebutted in an early proceeding).

⁵⁶ Hutchison v. Hutchison, 649 P.2d 38, 41 (Utah 1982).

⁵⁷ Hutchison v. Hutchison, 649 P.2d 38, 41 (Utah 1982).

⁵⁸ Utah Code Ann. § 30-3-10.2 (LexisNexis Supp. 2013).

⁵⁹ Utah Code Ann. § 30-3-10.7 (LexisNexis 2013).

⁶⁰ Utah Code Ann. § 30-3-10.8(1) (LexisNexis Supp. 2019).

⁶¹ Utah Code Ann. § 30-3-10.8(3) (LexisNexis Supp. 2019).

⁶² Utah Code Ann. § 30-3-10.9(2) (LexisNexis Supp. 2019).

⁶³ Utah Code Ann. § 30-3-10.9(5) (LexisNexis Supp. 2019).

⁶⁴ Utah Code Ann. § 30-3-10.9(6) (LexisNexis Supp. 2019).

⁶⁵ Utah Code Ann. § 30-3-10.9(2) (LexisNexis Supp. 2019).

order, considering the following factors: (1) whether or not the “physical, psychological, and emotional needs and development of the child will benefit from joint legal or physical custody;” (2) “the ability of the parents to give first priority to the welfare of the child and reach shared decisions”; (3) co-parenting skills, including ability to “appropriately communicate with the other parent,” “encourage the sharing of love and affection,” and willingness to “allow frequent and continuous contact between the child and the other parent”; (4) “whether both parents participated in raising the child before the divorce”; (5) the geographical proximity of the parents’ homes; (6) the preference of a mature child; (7) the maturity of the parents; (8) “the past and present ability of the parents to cooperate with each other and make decisions jointly;” and (9) any other relevant factors.⁶⁶ An order for joint legal custody or joint physical custody is to provide the terms the court believes are appropriate.⁶⁷ Any parental rights not specified in the order “may be exercised by the parent having physical custody” most of the time.⁶⁸ The order may be modified or terminated, following a hearing, based on the petition of either party.⁶⁹

Custody Evaluations

A custody evaluation may be used to determine which parent should have custody. Custody evaluations must be done by a state licensed clinical social worker, psychologist, state licensed physician who is board certified in psychiatry, licensed marriage and family therapist, or clinical mental health counselor.⁷⁰ Unless otherwise specified, custody evaluators must consider the factors set forth in Utah Code sections 30-3-10 and 30-3-10.2.⁷¹ The court orders performance of a custody evaluation, based on stipulation or motion.⁷²

Although one factor in deciding custody is who can give personal rather than surrogate care, it would be an abuse of discretion to change custody because the mom now has to work full time and the dad has a new wife who can stay at home with the children.⁷³

Another factor to consider is the identity of the children’s primary caretaker.⁷⁴ If the court looks at who has been the primary caretaker, in determining who should get custody, they would look at such things as: preparation and planning of meals; bathing, grooming, and dressing; purchase, cleaning, and care of clothes; medical care; arranging social interactions;

⁶⁶ Utah Code Ann. § 30-3-10.2 (LexisNexis 2013).

⁶⁷ Utah Code Ann. § 30-3-10.3(2) (LexisNexis 2013).

⁶⁸ Utah Code Ann. § 30-3-10.3(4) (LexisNexis 2013).

⁶⁹ Utah Code Ann. § 30-3-10.4(1) (LexisNexis Supp. 2019).

⁷⁰ Utah Code Jud. Admin. 4-903(1).

⁷¹ Utah Code Jud. Admin. 4-903(4); see also Hutchison v. Hutchison, 649 P.2d 38, 41 (Utah 1982); Hudema v. Carpenter, 989 P.2d 491, 498-502 (Utah Ct. App. 2000); Robertson v. Robertson, 370 P.3d 569, 572 (Utah Ct. App. 2016).

⁷² See Utah Code Jud. Admin. 4-903(2)-(3).

⁷³ See Fullmer v. Fullmer, 761 P.2d 942, 948 (Utah Ct. App. 1988).

⁷⁴ Pusey v. Pusey, 728 P.2d 117, 120 (Utah 1986).

arranging alternative care, putting children to bed and attending to them at night; disciplining children; educating children; and teaching elementary skills.⁷⁵

The district court is required to provide specific findings in custody cases.⁷⁶

Gender-based preferences are no longer allowed in child custody cases” because of article IV, section 1 of the Utah Constitution and the 14th amendment of the U.S. Constitution.⁷⁷

Under appropriate circumstances, Utah Code Annotated section 30-3-40 allows noncustodial parents to provide care for their minor children during times when the custodial parent is away for military service.

⁷⁵ Garska v. McCoy, 278 S.E.2d 357, 363 (W. Va. 1981); cf. Utah Code Ann. § 30-3-10.7(3) (LexisNexis 2013) (“parenting functions” include nurturing, attending to a child’s daily needs, education, assisting with social needs, and providing financial support).

⁷⁶ Hutchison v. Hutchison, 649 P.2d 38, 42 (Utah 1982).

⁷⁷ Pusey v. Pusey, 728 P.2d 117, 119 (Utah 1986).

Chapter 4 Parent-time

Parent-time in General

“Parent-time” (or “visitation”) is the term used to describe a noncustodial parent’s right to spend time with his or her child. Parent-time rights are outlined in sections 30-3-32 to -37 of the Utah Code Annotated.

Section 30-3-32 covers the intents and definitions of parent-time.⁷⁸ The legislature intends “to promote parent-time at a level consistent with all parties’ interests.”⁷⁹ In determining parent-time, the court will consider the “safety and well-being of the child and the parent who experiences domestic or family violence.”⁸⁰ “Absent a showing by a preponderance of evidence of real harm or substantiated potential harm to the child” it is the entitlement and responsibility of parents and in the best interests of the child to have “frequent, meaningful, and continuing access” to each other following separation or divorce and it is also in the best interests of the child for both parents to be “actively involved in parenting the child.”⁸¹

Section 30-3-33 suggests the following “advisory guidelines” concerning parent-time.⁸² Agreements are preferred.⁸³ Parent-time schedules are to be used to maximize “continuity and stability” in a child’s life.⁸⁴ Family functions are to be given special consideration.⁸⁵ Responsibility for pick up, delivery, and return of the child is to be determined by the court at the time the parent-time order is entered.⁸⁶ If the noncustodial parent is providing transportation, the custodial parent must have the child ready for parent-time and make arrangements to receive the child following parent-time.⁸⁷ If the custodial parent is providing transportation, the noncustodial parent is to be at the appointed place and at the appointed time to receive the child and “have the child ready to be picked up at the appointed time and place” or make “reasonable alternative arrangements for the custodial parent to pick up the child.”⁸⁸ Regular school hours are not to be interrupted for parent-time.⁸⁹ The court may accommodate the parents’ work schedules and may exceed but not diminish standard parent-time.⁹⁰ The court may alter the parent-time schedule to “reasonably accommodate the distance between the parties and the expense of exercising parent-time.”⁹¹ “Neither parent-time nor child support is to be withheld” due to failure to comply with

⁷⁸ Utah Code Ann. § 30-3-32 (LexisNexis Supp. 2019).

⁷⁹ Utah Code Ann. § 30-3-32(1) (LexisNexis Supp. 2019).

⁸⁰ Utah Code Ann. § 30-3-32(2)(a) (LexisNexis Supp. 2019).

⁸¹ Utah Code Ann. § 30-3-32(2)(b) (LexisNexis Supp. 2019).

⁸² Utah Code Ann. § 30-3-33 (LexisNexis Supp. 2019).

⁸³ Utah Code Ann. § 30-3-33(1) (LexisNexis Supp. 2019).

⁸⁴ Utah Code Ann. § 30-3-33(2) (LexisNexis Supp. 2019).

⁸⁵ Utah Code Ann. § 30-3-33(3) (LexisNexis Supp. 2019).

⁸⁶ Utah Code Ann. § 30-3-33(4) (LexisNexis Supp. 2019).

⁸⁷ Utah Code Ann. § 30-3-33(5) (LexisNexis Supp. 2019).

⁸⁸ Utah Code Ann. § 30-3-33(6) (LexisNexis Supp. 2019).

⁸⁹ Utah Code Ann. § 30-3-33(7) (LexisNexis Supp. 2019).

⁹⁰ Utah Code Ann. § 30-3-33(8) (LexisNexis Supp. 2019).

⁹¹ Utah Code Ann. § 30-3-33(9) (LexisNexis Supp. 2019).

parent-time orders.⁹² The noncustodial parent is to be informed of significant functions in which the child is participating, within twenty-four hours of the time the custodial parent receives notice.⁹³ The noncustodial parent is to have direct access to school and medical records and is to be notified immediately of medical emergencies.⁹⁴ Each parent is to provide the other parent with their current address, phone number, email address, etc., within twenty-four hours of a change.⁹⁵ Each parent is to “permit and encourage” reasonable uncensored communication with the child during reasonable hours, by mail or by “virtual parent-time if the equipment is reasonably available.”⁹⁶ Parental care is considered to be better than surrogate care.⁹⁷ Each parent is to provide surrogate care providers with the other parent’s name, address, and phone number.⁹⁸ Unless excused by the court, each parent is to provide the other parent with the name, address, and phone number of surrogate care providers.⁹⁹ Each parent is entitled to an equal division of major religious holidays that are celebrated by the parents.¹⁰⁰ If a child is on a “different parent-time schedule than a sibling” the parents should consider making parent-time “uniform between school aged and nonschool children.”¹⁰¹ In the event of deployment, parents who are service members should resolve custody issues as soon as possible.¹⁰²

Section 30-3-34 addresses the best interests of the children and justifications for allowing less than a normal amount of parent-time.¹⁰³ If parties are unable to agree about parent-time the court may establish a schedule that it considers to be in the best interests of the children.¹⁰⁴ The advisory guidelines and parent-time schedule are presumed to be in the best interests of the children, “unless the court determines that Section 30-3-35.1 should apply”.¹⁰⁵

More or less parent-time is considered appropriate only if there is: physical or significant emotional danger; evidence of domestic violence, neglect, or physical, sexual or emotional abuse involving the child, parent, or other household member of the parent; some distance between the parties’ residences; credible allegations of abuse; “lack of demonstrated parenting skills”; financial inability to “provide adequate food and shelter”; preference of mature children; “incarceration of the noncustodial parent”; shared interests of the child and the noncustodial parent; “involvement or lack of involvement of the noncustodial parent in the school, community, religious, or other related activities of the child”; “availability of the noncustodial

⁹² Utah Code Ann. § 30-3-33(10) (LexisNexis Supp. 2019).

⁹³ Utah Code Ann. § 30-3-33(11) (LexisNexis Supp. 2019).

⁹⁴ Utah Code Ann. § 30-3-33(12) (LexisNexis Supp. 2019).

⁹⁵ Utah Code Ann. § 30-3-33(13) (LexisNexis Supp. 2019).

⁹⁶ Utah Code Ann. § 30-3-33(14) (LexisNexis Supp. 2019). “Virtual parent-time” is parent-time that is done through telephone, email, instant messaging, video conferencing, etc. Utah Code Ann. § 30-3-32(3)(g) (LexisNexis Supp. 2019).

⁹⁷ Utah Code Ann. § 30-3-33(15) (LexisNexis Supp. 2019).

⁹⁸ Utah Code Ann. § 30-3-33(16) (LexisNexis Supp. 2019).

⁹⁹ Utah Code Ann. § 30-3-33(16) (LexisNexis Supp. 2019).

¹⁰⁰ Utah Code Ann. § 30-3-33(17) (LexisNexis Supp. 2019).

¹⁰¹ Utah Code Ann. § 30-3-33(18) (LexisNexis Supp. 2019).

¹⁰² Utah Code Ann. § 30-3-33(19) (LexisNexis Supp. 2019).

¹⁰³ See Utah Code Ann. § 30-3-34 (LexisNexis Supp. 2019).

¹⁰⁴ Utah Code Ann. § 30-3-34(1) (LexisNexis Supp. 2019).

¹⁰⁵ Utah Code Ann. § 30-3-34(2) (LexisNexis Supp. 2019).

parent to care for child when the custodial parent is unavailable”; “a substantial and chronic pattern” of canceled or denied parent-time; lack of bonding between the parents; parent-time schedules of siblings; “lack of reasonable alternatives to the needs of a nursing child”; etc.¹⁰⁶ Supervised parent-time can also be ordered.¹⁰⁷

The schedule is only to be changed by mutual consent or court order.¹⁰⁸

Standard Parent-time Schedule for Children Under the Age of Five

Sections 30-3-35 and 30-3-35.5 are the standard parent-time schedules and are considered to be the minimum schedule if the parties cannot agree to something.¹⁰⁹ Section 30-3-35.5 is the minimum schedule for parent-time for children under five years of age.¹¹⁰ The text of section 30-3-35.5 is as follows.

- (1) The parent-time schedule in this section applies to children under five years old.
- (2) All holidays in this section refer to the same holidays referenced in Section [30-3-35](#).
- (3) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled.
 - (a) For children under five months of age:
 - (i) six hours of parent-time per week to be specified by the court or the noncustodial parent preferably:
 - (A) divided into three parent-time periods; and
 - (B) in the custodial home, established child care setting, or other environment familiar to the child; and
 - (ii) two hours on holidays and in the years specified in Subsections [30-3-35](#)(2)(f) through ~~[(j)]~~ (k) preferably in the custodial home, the established child care
 - (b) For children five months of age or older, but younger than nine months of age:
 - (i) nine hours of parent-time per week to be specified by the court or the noncustodial parent preferably:
 - (A) divided into three parent-time periods; and
 - (B) in the custodial home, established child care setting, or other environment familiar to the child; and
 - (ii) two hours on the holidays and in the years specified in Subsections [30-3-35](#)(2)(f) through ~~[(j)]~~ (k) preferably in the custodial home, the established child care setting, or other environment familiar to the child.
 - (c) For children nine months of age or older, but younger than 12 months of age

¹⁰⁶ Utah Code Ann. § 30-3-34(2) (LexisNexis Supp. 2019).

¹⁰⁷ Utah Code Ann. § 30-3-34.5 (LexisNexis Supp. 2018); Peterson v. Peterson, 818 P.2d 1305 (Utah Ct. App. 1991) (supervised parent-time ordered because father had persuaded the child to falsely accuse the mother and her new boyfriend of sexual abuse of the child).

¹⁰⁸ Utah Code Ann. § 30-3-34(4) (LexisNexis Supp. 2019).

¹⁰⁹ See Utah Code Ann. §§ 30-3-35 to 30-3-35.5 (LexisNexis 2013).

¹¹⁰ See Utah Code Ann. § 30-3-35.5 (LexisNexis 2013).

- (i) one eight hour visit per week to be specified by the noncustodial parent or court;
- (ii) one three hour visit per week to be specified by the noncustodial parent or court;
- (iii) eight hours on the holidays and in the years specified in Subsections [30-3-35](#)(2)(f) through ~~[(j)]~~ (k); and
- (iv) brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
 - (A) the best interests of the child;
 - (B) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (C) any other factors the court considers material.
- (d) For children 12 months of age or older, but younger than 18 months of age:
 - (i) one eight-hour visit per alternating weekend to be specified by the noncustodial parent or court;
 - (ii) on opposite weekends from Subsection (3)(d)(i), from 6 p.m. on Friday until noon on Saturday;
 - (iii) one three-hour visit per week to be specified by the noncustodial parent or court;
 - (iv) eight hours on the holidays and in the years specified in Subsections [30-3-35](#)(2)(f) through ~~[(j)]~~ (k); and
 - v) brief telephone contact and other virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:
 - (A) the best interests of the child;
 - (B) each parent's ability to handle any additional expenses for virtual parent-time; and
 - (C) any other factors the court considers material.
- (e) For children 18 months of age or older, but younger than three years of age:
 - (i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the noncustodial parent or court; however, if the child is being cared for during the day outside his regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return him to the custodial parent by 8:30 p.m.;
 - (ii) alternative weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
 - (iii) parent-time on holidays as specified in Subsections [30-3-35](#)(2)(c) through ~~[(j)]~~ (k);
 - (iv) extended parent-time may be:
 - (A) two one-week periods, separated by at least four weeks, at the option of the noncustodial parent;
 - (B) one week shall be uninterrupted time for the noncustodial parent;
 - (C) the remaining week shall be subject to parent-time for the custodial parent consistent with these guidelines; and
 - (D) the custodial parent shall have an identical one-week period of uninterrupted for vacation; and

(v) brief telephone contact and virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

(A) the best interests of the child;

(B) each parent's ability to handle any additional expenses for virtual parent-time; and

(C) any other factors the court considers material.

(f) For children three years of age or older, but younger than five years of age:

(i) one weekday evening between 5:30 p.m. and 8:30 p.m. to be specified by the noncustodial parent or court; however, if the child is being cared for during the day outside his regular place of residence, the noncustodial parent may, with advance notice to the custodial parent, pick up the child from the caregiver at an earlier time and return him to the custodial parent by 8:30 p.m.;

(ii) alternative weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year; (iii) parent-time on holidays as specified in Subsections [30-3-35\(2\)\(c\)](#) through ~~(j)~~ [\(k\)](#);

(iv) extended parent-time with the noncustodial parent may be:

(A) two two-week periods, separated by at least four weeks, at the option of the noncustodial parent;

(B) one two-week period shall be uninterrupted time for the noncustodial parent;

(C) the remaining two-week period shall be subject to parent-time for the custodial parent consistent with these guidelines; and

(D) the custodial parent shall have an identical two-week period of uninterrupted time for vacation; and

(v) brief telephone contact and virtual parent-time, if the equipment is reasonably available, with the noncustodial parent at least two times per week, provided that if the parties cannot agree on whether the equipment is reasonably available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

(A) the best interests of the child;

(B) each parent's ability to handle any additional expenses for virtual parent-time; and

(C) any other factors the court considers material.

(4) A parent shall notify the other parent at least 30 days in advance of extended parent-time or vacation weeks.

(5) Virtual parent-time shall be at reasonable hours and for reasonable duration¹¹¹

Standard Parent-time Schedule for Children Who Are Five Years or Older

The text of section 30-3-35 (the parent-time schedule for children five years or older) is as follows.

(1) The parent-time schedule in this section applies to children 5 to 18 years of age.

(2) If the parties do not agree to a parent-time schedule, the following schedule shall be considered the minimum parent-time to which the noncustodial parent and the child shall be entitled.

¹¹¹ Utah Code Ann. § 30-3-35.5 (LexisNexis 2013).

- (a) (i) (A) One weekday evening to be specified by the noncustodial parent or the court, or Wednesday evening if not specified, from 5:30 p.m. until 8:30 p.m.;
- (B) at the election of the noncustodial parent, one weekday from the time the child's school is regularly dismissed until 8:30 p.m., unless the court directs the application of Subsection (2)(a)(i); or
- (C) at the election of the noncustodial parent, if school is not in session, one weekday from approximately 9 a.m., accommodating the custodial parent's work schedule, until 8:30 p.m. if the noncustodial parent is available to be with the child, unless the court directs the application of Subsection (2)(a)(i)(A) or (2)(a)(i)(B).
- (ii) Once the election of the weekday for the weekday evening parent-time is made, it may not be changed except by mutual written agreement or court order.
- (b) (i) (A) Alternating weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until 7 p.m. on Sunday continuing each year;
- (B) at the election of the noncustodial parent, from the time the child's school is regularly dismissed on Friday until 7 p.m. on Sunday, unless the court directs the application of Subsection (2)(b)(i)(A); or
- (C) at the election of the noncustodial parent, if school is not in session, on Friday from approximately 9 a.m., accommodating the custodial parent's work schedule, until 7 p.m. on Sunday, if the noncustodial parent is available to be with the child unless the court directs the application of Subsection (2)(b)(i)(A) or (2)(b)(i)(B).
- (ii) A step-parent, grandparent, or other responsible adult designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.
- (iii) [Elections] An election should be made by the noncustodial parent at the time of entry of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.
- (iv) Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and which are contiguous to the weekend period.
- (c) Holidays include any "snow" days, teacher development days after the children begin the school year, or other days when school is not scheduled, contiguous to the holiday period, and take precedence over the weekend parent-time. Changes may not be made to the regular rotation of the alternating weekend parent-time schedule[;], however[;]:
- (i) birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day; and (ii) birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time takes the child away from that parent's residence for the uninterrupted extended parent-time.
- (d) If a holiday falls on a regularly scheduled school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.
- e) (i) If a holiday falls on a weekend or on a Friday or Monday and the total holiday period extends beyond that time so that the child is free from school and the parent is free from work, the noncustodial parent shall be entitled to this lengthier holiday period.
- (ii) (A) At the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is regularly dismissed at the beginning of the holiday weekend until 7 p.m. on the last day of the holiday weekend; or
- (B) at the election of the noncustodial parent, if school is not in session, parent-time

over a scheduled holiday weekend may begin at approximately 9 a.m., accommodating the custodial parent's work schedule, the first day of the holiday weekend until 7 p.m. on the last day of the holiday weekend, if the noncustodial parent is available to be with the child unless the court directs the application of Subsection (2)(e)(ii)(A).

(iii) A step-parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

(iv) [Elections] An election should be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

(f) In years ending in an odd number, the noncustodial parent is entitled to the following holidays:

(i) child's birthday on the day before or after the actual birthdate beginning at 3 p.m. until 9 p.m.[:];₂ at the discretion of the noncustodial parent, [he] the noncustodial parent may take other siblings along for the birthday;

(ii) Martin Luther King, Jr. beginning 6 p.m. on Friday until Monday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(iii) subject to Subsection (2)(i), spring break beginning at 6 p.m. on the day school lets out for the holiday until 7 p.m. on the [Sunday] evening before school resumes;

(iv) July 4 beginning 6 p.m. the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

(v) Labor Day beginning 6 p.m. on Friday until Monday at 7 p.m., unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(vi) the fall school break, if applicable, commonly known as U.E.A. weekend beginning at 6 p.m. on Wednesday until Sunday at 7 p.m. unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(vii) Veterans Day holiday beginning 6 p.m. the day before the holiday until 7 p.m. on the holiday; and

(viii) the first portion of the Christmas school vacation as defined in Subsection [30-3-32\(3\)\(b\)](#) including Christmas Eve and Christmas Day, continuing until 1 p.m. on the day halfway through the holiday period, if there are an odd number of days for the holiday period,

or until 7 p.m. if there are an even number of days for the holiday period, so long as the entire

holiday period is equally divided.

(g) In years ending in an even number, the noncustodial parent is entitled to the following holidays:

(i) child's birthday on actual birthdate beginning at 3 p.m. until 9 p.m.[:];₂ at the discretion of the noncustodial parent, [he] the noncustodial parent may take other siblings along for the birthday;

(ii) President's Day beginning at 6 p.m. on Friday until 7 p.m. on Monday unless the holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(iii) Memorial Day beginning at 6 p.m. on Friday until Monday at 7 p.m., unless the

holiday extends for a lengthier period of time to which the noncustodial parent is completely entitled;

(iv) July 24 beginning at 6 p.m. on the day before the holiday until 11 p.m. or no later than 6 p.m. on the day following the holiday, at the option of the parent exercising the holiday;

(v) Columbus Day beginning at 6 p.m. the day before the holiday until 7 p.m. on the holiday;

(vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9 p.m.;

(vii) Thanksgiving holiday beginning Wednesday at 7 p.m. until Sunday at 7 p.m.; and

(viii) the second portion of the Christmas school vacation as defined in Subsection 30-3-32(3)(b), beginning 1 p.m. on the day halfway through the holiday period, if there are an odd number of days for the holiday period, or at 7 p.m. if there are an even number of days for the holiday period, so long as the entire Christmas holiday period is equally divided.

(h) The custodial parent is entitled to the odd year holidays in even years and the even year holidays in odd years.

(i) If there is more than one child and the children's school schedules vary for purpose of a holiday, at the option of the parent exercising the holiday or the parent's half of the holiday, the children may remain together for the holiday period beginning the first evening that all children's schools are let out for the holiday and ending the evening before any child returns to school.

[(i)] (j) Father's Day shall be spent with the natural or adoptive father every year beginning at 9 a.m. until 7 p.m. on the holiday.

[(j)] (k) Mother's Day shall be spent with the natural or adoptive mother every year beginning at 9 a.m. until 7 p.m. on the holiday.

[(k)] (l) Extended parent-time with the noncustodial parent may be:

(i) up to four consecutive weeks when school is not in session at the option of the noncustodial parent, including weekends normally exercised by the noncustodial parent, but not holidays;

(ii) two weeks shall be uninterrupted time for the noncustodial parent; and

(iii) the remaining two weeks shall be subject to parent-time for the custodial parent for weekday parent-time but not weekends, except for a holiday to be exercised by the other parent.

[(l)] (m) The custodial parent shall have an identical two-week period of uninterrupted time when school is not in session for purposes of vacation.

[(m)] (n) Both parents shall provide notification of extended parent-time or vacation weeks with the child at least 30 days [prior to] before the end of the child's school year to the other parent and if notification is not provided timely the complying parent may determine the schedule for extended parent-time for the noncomplying parent.

[(n)] (o) Telephone contact shall be at reasonable hours and for a reasonable duration.

[(o)] (p) Virtual parent-time, if the equipment is reasonably available and the parents reside at least 100 miles apart, shall be at reasonable hours and for reasonable duration, provided that if the parties cannot agree on whether the equipment is reasonably

available, the court shall decide whether the equipment for virtual parent-time is reasonably available, taking into consideration:

- (i) the best interests of the child; (ii) each parent's ability to handle any additional expenses for virtual parent-time; and
- (iii) any other factors the court considers material.

(3) [Any elections] An election required to be made in accordance with this section by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order. (4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be extended beyond the hours designated in Subsection (2)(g)(vi).

Utah Code Annotated section 30-3-35.1 says:

(1) The optional parent-time schedule in this section applies to a child 5 to 18 years of age. This schedule is 145 overnights. Any impact on child support shall be consistent with Subsection [78B-12-102\(15\)](#).

(2) The parents and the court may consider the following increased parent-time schedule as a minimum when the parties agree or the noncustodial parent can demonstrate the following:

- (a) the noncustodial parent has been actively involved in the child's life; (b) the parties are able to communicate effectively regarding the child, or the noncustodial parent has a plan to accomplish effective communications regarding the child; (c) the noncustodial parent has the ability to facilitate the increased parent-time; (d) the increased parent-time would be in the best interest of the child; and
- (e) any other factor the court considers relevant.

(3) In determining whether a noncustodial parent has been actively involved in the child's life, the court shall consider:

- (a) demonstrated responsibility in caring for the child;
- (b) involvement in child care;
- (c) presence or volunteer efforts in the child's school and at extracurricular activities;
- (d) assistance with the child's homework;
- (e) involvement in preparation of meals, bath time, and bedtime for the child;
- (f) bonding with the child; and (g) any other factor the court considers relevant.

(4) In determining whether a noncustodial parent has the ability to facilitate the increased parent-time, the court shall consider:

- (a) the geographic distance between the residences of the parents and the distance between the parents' residences and the child's school;
- (b) the noncustodial parent's ability to assist with after school care;
- (c) the health of the child and the noncustodial parent, consistent with Subsection [30-3-10\(6\)](#);
- (d) flexibility of employment or other schedule of the parent;
- (e) ability to provide appropriate playtime with the child;
- (f) history and ability of the parent to implement a flexible schedule for the child;
- (g) physical facilities of the noncustodial parent's residence; and
- (h) any other factor the court considers relevant.

(5) [Any elections] An election required to be made in accordance with this section by either parent concerning parent-time shall be made a part of the decree and made a part of the parent-time order. [Elections] An election may only be changed by mutual agreement, court order, or by the noncustodial parent in the event of a change in the child's schedule.

(6) If the parties agree or the court enters an order for the optional parent-time schedule as set forth in this section, a parenting plan in compliance with Sections 30-3-10.7 through 30-3-10.10 shall be filed with any order incorporating the following optional parent-time schedule:

(a) The noncustodial parent or the court may specify one weekday for parent-time. If no day is specified, weekday parent-time shall be on Wednesday from 5:30 p.m. until the following day when delivering the child to school, or until 8 a.m., if there is no school the following day. Once the election of the weekday is made, it may only be changed in accordance with Subsection (5). At the election of the noncustodial parent, weekday parent-time may commence:

(i) from the time the child's school is regularly dismissed; or

ii) if school is not in session, and the parent is available to be with the child, at approximately 8 a.m., accommodating the custodial parent's work schedule.

(b) Beginning on the first weekend after the entry of the decree, the noncustodial parent shall be entitled to alternating weekends beginning on the first weekend after the entry of the decree from 6 p.m. on Friday until Monday when delivering the child to school, or until 8 a.m. if there is no school on Monday. At the election of the noncustodial parent, weekend parent-time may commence:

(i) from the time the child's school is regularly dismissed on Friday; or

(ii) if school is not in session, and the parent is available to be with the child, at approximately 8 a.m. on Friday, accommodating the custodial parent's work schedule.

(c) [The provisions of] Subsections 30-3-35(2)(f) through [(o) shall be] (p) are incorporated [here] into this section and constitute the parent-time schedule with the exception that all instances that require the noncustodial parent to return the child at any time after 6 p.m. be changed so that the noncustodial parent is required to return the child to school the next morning or at 8 a.m., if there is no school.

(7) A stepparent, grandparent, or other responsible adult designated by the noncustodial parent may pick up the child if the custodial parent is aware of the identity of the individual, and if the noncustodial parent will be with the child by 7 p.m.

(8) Weekends include any "snow" days, teacher development days, or other days when school is not scheduled and that are contiguous to the weekend period.

(9) Holidays include any "snow" days, teacher development days after the child begins the school year, or other days when school is not scheduled, contiguous to the holiday period, and take precedence over weekend parent-time. Changes may not be made to the regular rotation of the alternating weekend parent-time schedule.

(a) If a holiday falls on a school day, the noncustodial parent shall be responsible for the child's attendance at school for that school day.

(b) If a holiday falls on a weekend or on a Friday or Monday and the total holiday period extends beyond that time so that the child is free from school and the parent is free from work, the noncustodial parent shall be entitled to this lengthier holiday period.

(c) At the election of the noncustodial parent, parent-time over a scheduled holiday weekend may begin from the time the child's school is dismissed at the beginning of the

holiday weekend or, if school is not in session, and if the noncustodial parent is available to be with the child, parent-time over a scheduled holiday weekend may begin at approximately 8 a.m., accommodating the custodial parent's work schedule, unless the court directs the application of Subsection (6)(a).

(10) Birthdays take precedence over holidays and extended parent-time, except Mother's Day and Father's Day. Birthdays do not take precedence over uninterrupted parent-time if the parent exercising uninterrupted time is out of town for the uninterrupted extended parent-time. At the discretion of the noncustodial parent, other siblings may be taken along for birthdays.

(11) Notwithstanding Subsection (9)(b), the Halloween holiday may not be extended beyond the hours designated in Subsection 30-3-35(2)(g)(vi).

(12) If there is a child aged 5 to 18 and a child under the age of five who are the natural or adopted children of the parties, the parents and the court should consider an upward deviation for parent-time with all the minor children so that parent-time is uniform based on a schedule pursuant to this section..¹¹²

Special Circumstances

Section 30-3-36 deals with special circumstances.¹¹³ It provides that children should be gradually reintroduced to an unfamiliar noncustodial parent.¹¹⁴ It also provides that, when a child travels with a parent, the other parent should have the itinerary of travel dates, destinations, places to be reached, and the name and phone number of a knowledgeable third party.¹¹⁵

Relocation

Section 30-3-37 deals with relocation.¹¹⁶ A parent who is relocating (150 miles or more from the “residence specified in the court’s decree”) needs to give “60 days advance written notice of the intended relocation to the other parent.”¹¹⁷ The court may “make appropriate orders regarding the parent-time and costs”, considering the best

¹¹² Utah Code Ann. § 30-3-35 (LexisNexis Supp. 2019). Section 30-3-32(3)(b) of the Utah Code Annotated defines Christmas school vacation as “(i) for a single child, the time period beginning on the evening the child is released from school for the Christmas or winter school break and ending the evening before the child returns to school; and (ii) for multiple children when the children's school schedules differ, the time period beginning on the first evening all children's schools are released for the Christmas or winter school break and ending the evening before any of the children returns to school.”

¹¹³ See Utah Code Ann. § 30-3-36 (LexisNexis 2013).

¹¹⁴ Utah Code Ann. § 30-3-36(1) (LexisNexis 2013).

¹¹⁵ Utah Code Ann. § 30-3-36(2) (LexisNexis 2013).

¹¹⁶ See Utah Code Ann. § 30-3-37 (LexisNexis Supp. 2019).

¹¹⁷ Utah Code Ann. § 30-3-37(1)-(2) (LexisNexis Supp. 2019). The notice is to contain statements affirming the court-determined or parties-agreed parent-time schedule and affirming that the parents will not interfere with parent-time arrangements or schedule. Utah Code Ann. § 30-3-37(2) (LexisNexis Supp. 2019).

interest of the child and other factors.¹¹⁸ “If the court determines that relocation is not in the best interest of the child, and the custodial parent relocates, the court may order a change of custody.”¹¹⁹

“Unless otherwise ordered by the court, upon relocation,” the noncustodial parent is to have the child(ren) (ages 5 to 18) for one-half of the summer break (or “off-track time”) as well as Thanksgiving (during odd numbered years), spring break (during odd numbered years), winter break (during even numbered years), and fall break (during even numbered years).¹²⁰

In addition, “at the option and expense of the noncustodial parent”, the noncustodial parent is entitled to one weekend per month.¹²¹

For children under the age of five, the court is to set a parent-time schedule based on the child(ren)’s age and developmental needs, distance between parents, travel arrangements and costs, level of attachment, and other relevant factors.¹²²

Unless the noncustodial parent specifies otherwise or unless there is a conflict with holiday parent-time, this monthly weekend parent-time is to be on the last weekend of the month.¹²³ If there is a conflict with holiday parent-time, this monthly weekend parent-time is to be on the next to last weekend of the month.¹²⁴ This monthly weekend parent-time is to include teacher development days and snow days that are “contiguous with” the monthly weekend parent-time.¹²⁵

If “finances and distance preclude the exercise of minimum parent-time for the noncustodial parent during the school year, the court should consider awarding more time for the noncustodial parent during the summer time if it is in the best interests of the children.”¹²⁶ “Unless otherwise ordered by the court the relocating party shall be responsible for all of the child’s travel expenses” related to this relocation parent-time, except for half of the travel expense for the summer visit.¹²⁷ A noncustodial parent who has been found in contempt for failure to pay child support, is responsible for all of the child’s parent-time travel expenses, unless the court orders otherwise.¹²⁸

¹¹⁸ Utah Code Ann. § 30-3-37(3)-(4) (LexisNexis Supp. 2019).

¹¹⁹ Utah Code Ann. § 30-3-37(4) (LexisNexis Supp. 2019).

¹²⁰ Utah Code Ann. § 30-3-37(6) (LexisNexis Supp. 2019).

¹²¹ Utah Code Ann. § 30-3-37(6)(d) (LexisNexis Supp. 2019).

¹²² Utah Code Ann. § 30-3-37(8) (LexisNexis Supp. 2019).

¹²³ Utah Code Ann. § 30-3-37(8) (LexisNexis Supp. 2019).

¹²⁴ Utah Code Ann. § 30-3-37(8) (LexisNexis Supp. 2019).

¹²⁵ Utah Code Ann. § 30-3-37(8) (LexisNexis Supp. 2019).

¹²⁶ Utah Code Ann. § 30-3-37(10) (LexisNexis Supp. 2019).

¹²⁷ Utah Code Ann. § 30-3-37(12) (LexisNexis Supp. 2019).

¹²⁸ Utah Code Ann. § 30-3-37(12) (LexisNexis Supp. 2019).

The court has discretion to order a minimum of thirty days of uninterrupted parent-time with the noncustodial parent during extended parent-time, and the court is to specify who “is responsible for the child’s travel expenses.”¹²⁹

A parent who does not comply with a notice of relocation “shall be in contempt of the court’s order.”¹³⁰

Under certain circumstances, section 30-3-40 of the Utah Code Annotated allows families members of a noncustodial parent to exercise the noncustodial parent’s parent-time rights while that parent is away in military service.

Noncompliance with a Parent-time Order

The court may award costs and attorney fees to a prevailing parent or close family member for noncompliance with a visitation or parent-time order. The court may also order “any other appropriate equitable remedy” including payment of child care and transportation expenses and lost wages.¹³¹

¹²⁹ Utah Code Ann. § 30-3-37(11) (LexisNexis Supp. 2019).

¹³⁰ Utah Code Ann. § 30-3-37(15) (LexisNexis Supp. 2019).

¹³¹ Utah Code Ann. § 30-3-5 (7) ((a)-(d) (LexisNexis Supp. 2019).

Chapter 5 Child Support

Utah's Child Support Guidelines

Utah's child support guidelines act as a rebuttable presumption for determining the amount of child support.¹³² There are instructions for calculating child support for sole,¹³³ joint,¹³⁴ and split custody¹³⁵.

The tables for calculating child support amounts are found in sections 78B-12-301 and 78B-12-302 of the Utah Code Annotated.¹³⁶ If the combined monthly income is higher than \$100,000 the judge sets support on a case-by-case basis, but the amount can not be less than the highest amount shown in the tables.¹³⁷ If the adjusted gross income of a parent is \$649 or less, the amount of child support is to be calculated on a case-by-case basis, but is not to be less than \$30 per month.¹³⁸

The guidelines can be rebutted, and, if so, support will be calculated based upon the standard of living, age, relative wealth and income, ability to earn, needs of each party and the child, and responsibility for the support of others.¹³⁹ Worksheets for calculating child support are found in appendix G of the Utah Code Annotated court rules volume and in the appendices in the forms portion of this book.

Calculating Income

Adjusted gross income is to be used in calculating child support and only the income of natural or adoptive parents may be considered.¹⁴⁰ Gross income is "prospective income from any source", such as salaries, wages, commissions, royalties, bonuses, rents, gifts, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security, workers' compensation, unemployment, disability insurance, and "payments from 'nonmeanstested' government programs."¹⁴¹ Excluded from gross income are: Supplemental Security Income, Social Security Disability Insurance, Medicaid, General Assistance, SNAP benefits, housing subsidies, benefits received under the Job Training

¹³² Utah Code Ann. § 78B-12-210(2) (LexisNexis 2012).

¹³³ Utah Code Ann. § 78B-12-205 (LexisNexis 2012).

¹³⁴ Utah Code Ann. § 78B-12-208 (LexisNexis 2012). Joint custody includes both parents contributing to the expenses of the child in addition to payment of child support. Spall-Goldsmith v. Goldsmith, 288 P.3d 1105 (Utah Ct. App. 2012).

¹³⁵ Utah Code Ann. § 78B-12-209 (LexisNexis 2012).

¹³⁶ Appendix 13 of the forms portion of this book shows the child support tables.

¹³⁷ See Utah Code Ann. § 78B-12-206 (LexisNexis 2012).

¹³⁸ Utah Code Ann. 78B-12-205(6) (LexisNexis 2012).

¹³⁹ Utah Code Ann. § 78B-12-202(3) (LexisNexis 2012).

¹⁴⁰ Utah Code Ann. § 78B-12-207 (LexisNexis 2012).

¹⁴¹ Utah Code Ann. § 78B-12-203(1) (LexisNexis Supp. 2019).

Partnership Act, etc.¹⁴² Income is based upon one full-time 40-hour job unless, just prior to the original support order, it is found that the parent normally and consistently worked more than 40 hours per week at their job.¹⁴³ Income from self-employment or business is to be calculated at the gross income minus “expenses necessary to allow the business to operate at a reasonable level”.¹⁴⁴ When possible, income should be calculated “on an annual basis and then recalculated to determine the average gross monthly income.”¹⁴⁵ Income verification is required.¹⁴⁶ Incarceration of at least six months may not be treated as voluntary unemployment by the office in establishing or modifying a support order.¹⁴⁷

In certain cases income may be imputed.¹⁴⁸ This is allowed only by stipulation, default, or, in contested cases, after a hearing and a judge or “presiding officer in an administrative proceeding enters findings of fact as to the evidentiary basis for the imputation.”¹⁴⁹ Income is imputed on the basis of employment potential and probable earnings as considering, to the extent known: employment opportunities, work history, occupational qualifications, educational attainment, literacy, age, health, criminal record, other employment barriers and background factors, and prevailing earnings and job availability.¹⁵⁰ If there is “no recent work history or a parent’s occupation is unknown,” income may “be imputed at least at the federal minimum wage for a 40-hour work week.”¹⁵¹ Income is not to be imputed “if any of the following conditions exist and the condition is not of a temporary nature:” (1) reasonable child care costs would “approach or equal” the amount the custodial parent could make; (2) the “parent is physically or mentally unable to earn minimum wage;” (3) the parent is receiving job training to “establish basic job skills;” or (4) “unusual emotional or physical needs of a child require the custodial parent’s presence in the home.”¹⁵² The fact that someone is pursuing a bachelor’s degree does not exempt him from having income imputed.¹⁵³

Social security benefits given to a child because of the earnings of a parent are to be a credit for that parent against their child support obligation.¹⁵⁴

Child support is to be reduced by 50% for each child during times when the child (by court order or written agreement) is with the noncustodial parent at least 25 of 30

¹⁴² Utah Code Ann. § 78B-12-203(3) (LexisNexis Supp. 2019).

¹⁴³ Utah Code Ann. § 78B-12-203(2) (LexisNexis Supp. 2019).

¹⁴⁴ Utah Code Ann. § 78B-12-203(4) (LexisNexis Supp. 2019).

¹⁴⁵ Utah Code Ann. § 78B-12-203(5)(a) (LexisNexis Supp. 2019).

¹⁴⁶ Utah Code Ann. § 78B-12-203(5)(b) (LexisNexis Supp. 2019).

¹⁴⁷ Utah Code Ann. § 78B-12-203(6) (LexisNexis Supp. 2019).

¹⁴⁸ See Utah Code Ann. § 78B-12-203(7) (LexisNexis Supp. 2019).

¹⁴⁹ Utah Code Ann. § 78B-12-203(8)(a) (LexisNexis Supp. 2019).

¹⁵⁰ Utah Code Ann. § 78B-12-203(8)(b) (LexisNexis Supp. 2019).

¹⁵¹ Utah Code Ann. § 78B-12-203(8)(c) (LexisNexis Supp. 2019). 29 U.S.C. § 206 says that minimum wage is \$7.25 per hour.

¹⁵² Utah Code Ann. § 78B-12-203(8)(d) (LexisNexis Supp. 2019).

¹⁵³ Mancil v. Smith, 18 P.3d 509, 512 (Utah Ct. App. 2000).

¹⁵⁴ Utah Code Ann. § 78B-12-203(9) (LexisNexis Supp. 2019).

consecutive days.¹⁵⁵ Child support is to be reduced by 25% for each child during times when the child (by court order or written agreement) is with the noncustodial parent at least 12 of 30 consecutive days.¹⁵⁶

Materials That Need to be Filed

In any matter in which child support is ordered, the moving party needs to submit a child support worksheet, financial verification, a written statement that says whether or not the amount of support is consistent with the child support guidelines, and identification information.¹⁵⁷

Termination of Child Support

Child support terminates at age 18 (or upon graduation from high school in the normal and expected year of graduation if that is after the child turns 18), or upon the child's death, emancipation, marriage, entry into military service, or adoption.¹⁵⁸ However, "courts in divorce actions may order support to age 21."¹⁵⁹

Medical and Child Care Expenses

Every decree of divorce is to include "an order assigning responsibility for the payment of reasonable and necessary medical and dental expenses of a dependent child" and an order requiring insurance if available "at a reasonable cost".¹⁶⁰ A parent will be ordered to provide insurance, if available at a reasonable cost, and the parents are to

¹⁵⁵ Utah Code Ann. § 78B-12-216(1)(a)(LexisNexis 2012).

¹⁵⁶ Utah Code Ann. § 78B-12-216(1)(b) (LexisNexis 2012).

¹⁵⁷ Utah Code Ann. § 78B-12-201 (LexisNexis 2012). The financial verification is to include such things as year-to-date pay stubs and completed tax returns for the most recent year. Utah Code Ann. § 78B-12-203(5) (LexisNexis 2012). The identifying information is to include the party's social security number, driver's license number, addresses, phone numbers; it is also to include the name, address, and phone number of their employer; upon entry of a support order, each party is to submit this same identifying information. Utah Code Ann. § 78B-12-201(3) (LexisNexis 2012); Utah Code Ann. § 62A-11-304.4(1) (LexisNexis 2011). The social security number of anyone who is subject to a support order is to be placed in the records relating to the case. Utah Code Ann. § 78B-12-116 (LexisNexis 2012).

¹⁵⁸ See Utah Code Ann. § 78B-12-219(1) (LexisNexis 2012). The child support amount is adjusted for the remaining children based upon the child support table that was used in setting the most recent order, rather than just reducing it "by a per child amount derived from the base child support award originally ordered." Utah Code Ann. § 78B-12-219(1)-(2) (LexisNexis 2012).

¹⁵⁹ Utah Code Ann. § 15-2-1 (LexisNexis 2009).

¹⁶⁰ Utah Code Ann. § 30-3-5(1)(a)-(b) (LexisNexis Supp. 2019).

equally share the cost of insurance premiums and uninsured expenses.¹⁶¹ Both are to give timely information to each other about insurance and expenses.¹⁶²

Each parent is to share equally in reasonable work-related child care expenses.¹⁶³ These amounts are to be paid monthly.¹⁶⁴ Written verification is required of the cost and the provider's identity.¹⁶⁵ Changes in the child care arrangements need to be disclosed to the other party within thirty days or the parent may not get reimbursed for the expenses.¹⁶⁶

Tax Deduction

26 U.S.C. § 71 says that, for tax purposes, a person's gross income includes alimony but not child support. Section 78B-12-217 of the Utah Code Annotated makes no presumption about who should get to claim a child for federal and state income tax purposes; however, the court or administrative agency, in awarding the tax exemption, is to consider the "relative contribution of each parent to the cost of raising the child" and "the relative tax benefit to each parent." 26 U.S.C. § 152(c)(4)(B) says that the parent claiming a child as a dependent for tax purposes is to be the parent the child resides with most of the time.

Bankruptcy

According to 11 U.S.C. § 523(a)(5), child support is nondischargeable in bankruptcy.

¹⁶¹ Utah Code Ann. § 78B-12-212(2)(b)-(4) (LexisNexis Supp. 2019).

¹⁶² See Utah Code Ann. § 78B-12-212(8)-(10) (LexisNexis Supp. 2019).

¹⁶³ Utah Code Ann. § 78B-12-214(1) (LexisNexis 2012).

¹⁶⁴ Utah Code Ann. § 78B-12-214(2)(a) (LexisNexis 2012).

¹⁶⁵ Utah Code Ann. § 78B-12-214(2)(b)(i) (LexisNexis 2012).

¹⁶⁶ Utah Code Ann. § 78B-12-214(2)(b)(ii)-(3) (LexisNexis 2012).

Chapter 6 Alimony¹⁶⁷

Alimony is a continuation of each spouse's duty to support and maintain the other. The court has "broad latitude" in setting alimony and these determinations "will not be lightly disturbed."¹⁶⁸ The court is to "consider at least the following factors in determining alimony": (1) the financial condition and needs of the person who is to receive alimony, (2) the earning capacity of the person who is to receive alimony "including the impact of diminished workplace experience resulting from primarily caring for a child of the payor spouse"; (3) the ability of the person who is to pay alimony to provide support, (4) "the length of the marriage", (5) whether or not the "recipient spouse has custody of minor children" who require support, (6) whether or not the "recipient spouse worked in a business" that was "owned or operated by the payor spouse", and (7) whether or not "the recipient spouse directly contributed to" an "increase in the payor spouse's skill by paying for education received by the payor spouse or enabling the payor spouse to attend school during the marriage."¹⁶⁹ The court is to consider all sources of income including overtime, second jobs, self employment, etc.¹⁷⁰

The court may consider fault in determining alimony.¹⁷¹ In Childs v. Childs, 967 P.2d 942, 946-47 (Utah Ct. App. 1998), a woman was given a lower amount of alimony, in part, because of her fault in engaging in an extra-marital affair.

Generally, the court should look at the standard of living that existed at the time of the separation, in determining alimony; but the court is to "consider all relevant facts and equitable principles" and "may, in its discretion, base alimony on the standard of living that existed at the time of trial."¹⁷² In short-term marriages, "when no children have been conceived or born during the marriage, the court may consider the standard of living that existed at the time of the marriage."¹⁷³ "The court may, under appropriate circumstances, attempt to equalize the parties' respective standards of living."¹⁷⁴

If a long-term marriage is ending on the "threshold of a major change in the income of one of the spouses due to the collective efforts of both," the change is to "be considered in dividing the marital property and in determining" alimony.¹⁷⁵ Similarly, if "one spouse's earning capacity has been greatly enhanced" by "the efforts of both spouses during the marriage, the court may make a compensating adjustment" in regard

¹⁶⁷ An excellent summary of Utah alimony law is found in: David S. Dolowitz, Rationalizing Alimony Law, 13 Utah B. J. 10 (Aug./Sept. 2000).

¹⁶⁸ Jones v. Jones, 700 P.2d 1072, 1074 (Utah 1985).

¹⁶⁹ Utah Code Ann. § 30-3-5(8)(a) (LexisNexis Supp. 2019).

¹⁷⁰ Crompton v. Crompton, 888 P.2d 686, 689 (Utah Ct. App. 1994).

¹⁷¹ Utah Code Ann. § 30-3-5(8)(b)-(d) (LexisNexis Supp. 2019).

¹⁷² Utah Code Ann. § 30-3-5(8)(e) (LexisNexis Supp. 2019).

¹⁷³ Utah Code Ann. § 30-3-5(8)(e) (LexisNexis Supp. 2019).

¹⁷⁴ Utah Code Ann. § 30-3-5(8)(f) (LexisNexis Supp. 2019).

¹⁷⁵ Utah Code Ann. § 30-3-5(8)(g) (LexisNexis Supp. 2019).

to alimony as well as in the division of marital property.¹⁷⁶ In short-term marriages, where “no children have been conceived or born during the marriage, the court may” restore each party to the condition that “existed at the time of the marriage.”¹⁷⁷

Alimony generally is not to be ordered for a period longer than the number of years of the marriage.¹⁷⁸

Unless income withholding is involved or otherwise ordered by the court, half of alimony is to be paid on the fifth day of each month and the other half on the twentieth of the month.¹⁷⁹

Unless otherwise ordered by the court, alimony “automatically terminates upon the remarriage or death of the former spouse” but is to resume if “the remarriage is annulled and found to be void ab initio” and the paying spouse is “made a party to the action”.¹⁸⁰ An order of alimony also terminates “upon establishment by the party paying alimony that the former spouse, after the order for alimony is issued, cohabits with another person even if the former spouse is not cohabitating with another person when the party paying alimony files the motion to terminate.” The party seeking termination must do so no later than one year from the day the party knew or should have known about the cohabitation.¹⁸¹

According to 11 U.S.C. § 523(a)(5), alimony is nondischargeable in bankruptcy. 26 U.S.C. § 71 includes alimony in a person’s gross income, for tax purposes.

¹⁷⁶ Utah Code Ann. § 30-3-5(8)(g) (LexisNexis Supp. 2019).

¹⁷⁷ Utah Code Ann. § 30-3-5(8)(h) (LexisNexis Supp. 2019).

¹⁷⁸ See Utah Code Ann. § 30-3-5(8)(j) (LexisNexis Supp. 2019).

¹⁷⁹ Utah Code Ann. § 30-3-10.5 (LexisNexis 2013).

¹⁸⁰ Utah Code Ann. § 30-3-5(9) (LexisNexis Supp. 2019).

¹⁸¹ Utah Code Ann. § 30-3-5(10)(a)-(b) (LexisNexis Supp. 2019).

Chapter 7

Debts

In a divorce, the court may include equitable orders relating to debts.¹⁸² The court has “considerable latitude of discretion in adjusting financial . . . interests.”¹⁸³

There is no fixed formula for distributing a marital estate.¹⁸⁴ The court could consider such things as each party’s ability to pay, whether the debt was jointly incurred, whether or not the debt can be documented, when the debt was incurred, and who is going to receive the property.

Spouses are not liable for each other’s separate debts that were incurred during the marriage, other than family expenses.¹⁸⁵ The court may specify which party is responsible for payment of joint debts incurred during the marriage, require the parties to notify creditors regarding the court’s division of the debts, and provide for enforcement.¹⁸⁶

A decree cannot alter or end any joint contractual obligation between the parties and a creditor.¹⁸⁷ However, a creditor cannot make a negative credit report against a party who has not been ordered to pay, unless they have first demanded payment by the other party, who then failed to pay.¹⁸⁸ When there is a court order or an administrative order, providing for payment of children’s medical expenses, a creditor (who has a copy of the order) may be prohibited from charging more than the court-ordered amount, of a parent who has paid their court-ordered portion in full, and from making a negative credit report regarding that parent.¹⁸⁹ If one party ultimately fails to repay a joint debt, as ordered by the court, the remedy is a contempt order and judgment for money paid.

Some parties try to insure future liability for debts, even after bankruptcy, by putting “hold harmless” language in the decree (i.e., one party agrees to pay certain debts and to hold the other party harmless from liability on those debts). This will only help if payment of those debts is “in the nature of support”.¹⁹⁰

¹⁸² Utah Code Ann. § 30-3-5(1) (LexisNexis Supp. 2019).

¹⁸³ Mitchell v. Mitchell, 527 P.2d 1359, 1360 (Utah 1994).

¹⁸⁴ Turner v. Turner, 649 P.2d 6, 8 (Utah 1982).

¹⁸⁵ Utah Code Ann. § 30-2-5 (LexisNexis 2013). These are the “expenses of the family and the education of the children” and the husband and wife “may be sued jointly or separately” for these expenses. Utah Code Annotated § 30-2-9 (LexisNexis 2013). Case law has found family expenses to include expenses incurred while a wife was ill, Izatt v. Izatt, 627 P.2d 49, 52 (Utah 1981), as well as expenses related to children, Gulley v. Gulley, 570 P.2d 127, 128-29 (Utah 1977).

¹⁸⁶ Utah Code Ann. § 30-3-5(1)(c) (LexisNexis Supp. 2019).

¹⁸⁷ Utah Code Ann. § 15-4-6.5(1) (LexisNexis 2009).

¹⁸⁸ Utah Code Ann. § 15-4-6.5(3) (LexisNexis 2009).

¹⁸⁹ Utah Code Ann. § 15-4-6.7 (LexisNexis Supp. 2019).

¹⁹⁰ See Beckmann v. Beckmann, 685 P.2d 1045 (Utah 1984).

Debt payment can be considered part of alimony, but 26 U.S.C. § 71(a) says that alimony is taxable. Debts could also be considered as additional child support, but the ongoing duty to pay child support ends when the youngest child turns eighteen.¹⁹¹

If a creditor seeks to take a debtor's property for unpaid debts, certain items of property are exempt, such as \$30,000 of the value of the "primary personal residence"¹⁹² The following things are also among those that are exempt: alimony, burial plots, health aids, some appliances and furniture, wearing apparel, year's supply of provisions, and bedding.¹⁹³ Also exempt is a motor vehicle, "not exceeding \$3,000 in value".¹⁹⁴ However, a creditor may collect against exempt property, other than unemployment benefits, to enforce certain claims (e.g., alimony and support).¹⁹⁵ A person's earnings may be garnished under Rule 64D of the Utah Rules of Civil Procedure. This cannot exceed 25% of a person's disposable earnings (50% if for child support).¹⁹⁶

11 U.S.C. § 523(a)(5) says that domestic support obligations are not dischargeable, in bankruptcy. The federal or state court decides if the debt was in the form of alimony or support.¹⁹⁷ Types of bankruptcy include Chapter 7 (liquidation (voluntary or involuntary)); Chapter 13 (individual reorganization of debts); Chapter 11 (business reorganization of debts); Chapter 12 (farm reorganization of debts).¹⁹⁸ 11 U.S.C. § 362(b)(2) says that bankruptcy proceedings do not "operate as a stay" of a civil action in regard to child custody/visitation or dissolution of a marriage or "collection of a domestic support obligation from property that is not property of the [bankruptcy] estate".

¹⁹¹ See Utah Code Ann. § 78B-12-219(1) (LexisNexis 2012).

¹⁹² See Utah Code Ann. §§ 78B-5-503(2)(a)(ii) (LexisNexis Supp. 2019).

¹⁹³ Utah Code Ann. §§ 78B-5-505 (LexisNexis Supp. 2019).

¹⁹⁴ Utah Code Ann. §§ 78B-5-506(3)(b) (LexisNexis 2012).

¹⁹⁵ Utah Code Ann. § 78B-5-508 (LexisNexis 2012).

¹⁹⁶ Utah R. Civ. P. 64D(a)(1).

¹⁹⁷ Beckmann v. Beckmann, 685 P.2d 1045, 1049 (Utah 1984).

¹⁹⁸ More information about these different types of bankruptcy can be found in Title 11 of the United States Code.

Chapter 8 Property Division

In a divorce, the court may include equitable orders relating to property.¹⁹⁹ Orders must be “fair and reasonable to all concerned.”²⁰⁰ The court has “considerable latitude of discretion” in “adjusting . . . property interests” in a divorce action.²⁰¹ The court’s “disposition of property” should be “as it deems fair, equitable, and necessary for the protection and welfare of the parties.”²⁰²

The court first needs to “properly categorize the parties’ property as part of the marital estate or as the separate property of one or the other.”²⁰³ There is a presumption that each party is “entitled to all of his or her separate property and fifty percent of the marital property.”²⁰⁴ “[T]he court should then consider the existence of exceptional circumstances. . . .”²⁰⁵

There is “no fixed formula” for dividing property in a divorce.²⁰⁶

Pension plans that have accrued during the marriage are “subject to equitable distribution”. In Woodward v. Woodward, 656 P.2d 431, 433-434 (Utah 1982), the court ruled that equitable division of a pension plan means giving each spouse one-half of the benefits earned during the marriage (i.e., one-half of the “portion of the retirement benefits represented by the number of years of the marriage divided by the number of years the [wage-earner’s] employment”).²⁰⁷ This formula may be modified, however, to adapt to the varied circumstances related to a defined benefit plan so long as the division is still equitable.²⁰⁸

A QDRO (domestic relations order) is required in order to give ERISA retirement plan benefits to someone other than the participant (e.g., a former spouse). 29 U.S.C. § 1003 says that, generally, this applies “to any employee benefit plan” that is established or maintained by an employer that is “engaged in commerce or in any industry or activity affecting commerce”. 29 U.S.C. § 1056(d)(3)(C) says that a domestic relations order must provide the participant’s name and address, all alternative payees’ names and addresses, the amount or percentage of their benefits, the number of payments, and a list of each plan to which the order applies.

¹⁹⁹ Utah Code Ann. § 30-3-5(1) (LexisNexis Supp. 2019).

²⁰⁰ In re Estate of Knickerbocker, 912 P.2d 969, 977 (Utah 1996) (citing § 30-3-5).

²⁰¹ Mitchell v. Mitchell, 527 P.2d 1359, 1360 (Utah 1974).

²⁰² Mathie v. Mathie, 363 P.2d 779, 784 (Utah 1961).

²⁰³ Burt v. Burt, 799 P.2d 1166, 1172 (Utah Ct. App. 1990).

²⁰⁴ Burt v. Burt, 799 P.2d 1166, 1172 (Utah Ct. App. 1990).

²⁰⁵ Burt v. Burt, 799 P.2d 1166, 1172 (Utah Ct. App. 1990).

²⁰⁶ Hamilton v. Hamilton, 562 P.2d 235, 237 (Utah 1977).

²⁰⁷ Woodward v. Woodward, 656 P.2d 431, 433-434 (Utah 1982).

²⁰⁸ Granger v/ Granger, 374 P.3d 1043 (Utah Ct. App. 2016).

Chapter 9 Temporary Orders

Some cases require a temporary court order regarding the rights and obligations of the parties. There are several types of temporary orders that may be used in a domestic relations case: ex parte temporary restraining orders,²⁰⁹ protective orders,²¹⁰ and other temporary orders.

Ex Parte Temporary Restraining Orders

Ex parte temporary restraining orders (ordered without first giving notice to the other party) are possible (1) it clearly appears that immediate or irreparable injury, loss, or damage will result prior to a hearing, and (2) documentation of efforts to give notice to the opposing party are provided to the court.²¹¹ Temporary orders generally expire within fourteen days.²¹² This rule does not limit the equitable powers of the court in administering temporary restraining orders in domestic relations cases.²¹³ (Form 15 of the Utah Rules of Civil Procedure provides a sample application for temporary restraining order.)

Protective Orders

In situations where there has been cohabitant abuse, the victim may get a protective order or an ex parte protective order.²¹⁴ The following things can be included in an ex parte protective order: (1) a prohibition against further abuse or threats of abuse, (2) a prohibition against harassment or communication, (3) exclusion from the abuse victim's residence, place employment, etc., (4) prohibition against use or possession of a weapon, (5) use of personal effects and an automobile, (6) maintenance of an existing wireless telephone contact or account, (7) temporary custody of the children, (8) assistance of the office of the Guardian Ad Litem, (9) other relief needed to provide safety and welfare, and (10) child support and alimony (income verification needs to be brought to the hearing).²¹⁵ (Violation of items 1-5 are criminal offenses.²¹⁶ Violation of items 6, 8, and 9 are civil offenses.²¹⁷)

²⁰⁹ See Utah R. Civ. P. 65A(b).

²¹⁰ See Utah Code Ann. §§ 78B-7-103 (LexisNexis 2012).

²¹¹ Utah R. Civ. P. 65A(b)(1).

²¹² Utah R. Civ. P. 65A(b)(2).

²¹³ Utah R. Civ. P. 65A(f).

²¹⁴ Utah Code Ann. § 78B-7-106(1) (LexisNexis Supp. 2018) (protective orders require prior notice to the other party but ex parte protective orders do not).

²¹⁵ Utah Code Ann. § 78B-7-106(2) (LexisNexis Supp. 2019).

²¹⁶ Utah Code Ann. § 78B-7-106(5)(a)(i) (LexisNexis Supp. 2019).

²¹⁷ Utah Code Ann. § 78B-7-106(5)(a)(ii) (LexisNexis Supp. 2019).

Expedited service is required of the sheriff's office in these cases.²¹⁸ A hearing is to be held within 20 days after the ex parte order is issued.²¹⁹

The civil portion of the final order is generally to last 150 days or less.²²⁰ After two years, a hearing may be held to dismiss the criminal portion of the final order.²²¹ Violation of the "safety" provisions of a protective order is a class A misdemeanor.²²² Violations of the other provisions is subject to a contempt proceeding.²²³

Other Temporary Orders

Sometimes parties need non-emergency, temporary relief, prior to the divorce trial (e.g., for support during the pendency of the action). This is allowed by Utah Code Annotated §§ 30-1-17.2(1), 30-3-3(3), and 78A-2-220(1)(i). The court is given the motion, a memorandum, a proposed order, and a request to submit for a decision; the court may order a hearing.²²⁴ Judgments and written motions need to be served on the opposing party or their attorney, in accordance with Rule 5(b) of the Utah Rules of Civil Procedure.

²¹⁸ Utah Code Ann. § 78B-7-106(9) (LexisNexis Supp. 2019).

²¹⁹ Utah Code Ann. § 78B-7-107(1)(a) (LexisNexis 2012).

²²⁰ See Utah Code Ann. § 78B-7-106(7)(a) (LexisNexis Supp. 2019).

²²¹ See Utah Code Ann. § 78B-7-106(7)(c)(i) (LexisNexis Supp. 2019).

²²² See Utah Code Ann. § 78B-7-106(6)(b) (LexisNexis Supp. 2019).

²²³ See Utah Code Ann. § 78B-7-106(6)(c) (LexisNexis Supp. 2019).

²²⁴ See Utah R. Civ. P. 7.

Chapter 10

Decrees of Divorce

The final document in a divorce case is the decree of divorce.²²⁵ The decree may include orders regarding the children, medical coverage for the children, property, and debts.²²⁶ The court needs to take evidence, even if by affidavit, to support the decree of divorce.²²⁷

The decree is absolute: (1) upon signing by the court and entry by the clerk in the register of actions, or (2) at the expiration of a time period designated by the court, unless an appeal or other proceeding for review is pending, or (3) when the court otherwise orders, prior to the decree becoming absolute, if “sufficient cause” exists.²²⁸ A court can extend the designated time period up to six months after the “signing and entry of the decree”.²²⁹ The file, except for the final order, can be classified as private.²³⁰

²²⁵ See Utah Code Ann. § 30-3-4 (LexisNexis Supp. 2019).

²²⁶ Utah Code Ann. § 30-3-5(1) (LexisNexis Supp. 2019).

²²⁷ See Utah Code Ann. § 30-3-4(1)(b), (d) (LexisNexis 2013).

²²⁸ Utah Code Ann. § 30-3-7(1) (LexisNexis 2013).

²²⁹ Utah Code Ann. § 30-3-7(2) (LexisNexis 2013).

²³⁰ Utah Code Ann. § 30-3-4(2) (LexisNexis Supp. 2019).

Chapter 11 Enforcement

Disobedience of a court order is contempt.²³¹

When the contempt is not committed in the presence of the court, evidence of the contempt is given to the court through an affidavit or statement of the facts.²³² An application can be made to the court for an order to show cause to enforce an existing order or to seek “sanctions for violating an existing order”.²³³ A request for an order is to be done by motion and generally must be in writing, stating the grounds and the relief that is being requested.²³⁴ Motions are generally to be accompanied by a supporting memorandum.²³⁵ After briefing has been completed the parties can “file a ‘Request to Submit for Decision.’”²³⁶

The court may hold a hearing on a motion.²³⁷ And an order can be entered.²³⁸

If a person is found in contempt, the court may order payment of a fine not exceeding \$1,000, and/or sentence the person to 30 days (or less) in jail.²³⁹ In addition, the court may order the person to pay the aggrieved party enough money to compensate them for their costs and expenses caused by the contempt.²⁴⁰ If a person is refusing to do something that the law requires them to do, and which are capable of doing, the court may imprison the person until they do it.²⁴¹

If a parent does not comply with the minimum amount of parent-time or child support ordered, the court can order ten or more hours of compensatory service and order the offender to participate in workshops, classes, or counseling.²⁴²

Enforcement of a child support order may be pursued at any time “within four years after the date the youngest child reaches majority” or “eight years from the date of entry of the sum certain judgment by a tribunal.”²⁴³

²³¹ Utah Code Ann. § 78B-6-301(5) (LexisNexis 2012).

²³² Utah Code Ann. § 78B-6-302(2) (LexisNexis 2012).

²³³ See Utah R. Civ. P. 7(b) and 7(q).

²³⁴ Utah R. Civ. P. 7(b).

²³⁵ Utah R. Civ. P. 7(c)(1).

²³⁶ Utah R. Civ. P. 7(g).

²³⁷ Utah R. Civ. P. 7(h). Evidence at the hearing can be given by “proffer”. See Fullmer v. Fullmer, 761 P.2d 942, 945 (Utah Ct. App. 1988)

²³⁸ See Utah R. Civ. P. 7(j).

²³⁹ Utah Code Ann. § 78B-6-310(1) (LexisNexis 2012).

²⁴⁰ Utah Code Ann. § 78B-6-311 (LexisNexis Supp. 2018) (it is possible that bail, paid by the judgment debtor, can be given to the judgment creditor).

²⁴¹ Utah Code Ann. § 78B-6-312 (LexisNexis 2012).

²⁴² Utah Code Ann. § 78B-6-316 (LexisNexis 2012).

²⁴³ Utah Code Ann. § 78B-5-202
(6) (LexisNexis Supp. 2019).

If child support or parent-time has been withheld for 60 days, “[a] court may, in addition to other available sanctions, withhold, suspend, or restrict the use of driver’s licenses, professional and occupational licenses, and recreational licenses”²⁴⁴

Criminal nonsupport of children under 18 years of age is a class A misdemeanor (for a first offense).²⁴⁵ Repeat offenses can result in a conviction of a third degree felony.²⁴⁶

Recovery Services

The office (Office of Recovery Services²⁴⁷ or O.R.S.) has the duty of providing child support services if O.R.S. has received an application for child support services, the state has provided public assistance, or the child lives out of the home under state custody or care.²⁴⁸ In cases where the children are receiving public assistance, immediate income withholding is available (as of the effective date of the order), even if no delinquency exists.²⁴⁹ In cases where the children are not receiving public assistance, immediate income withholding is also available (as of the effective date of the order), even if no delinquency exists, unless preempted by good cause or by a written contract provision.²⁵⁰ O.R.S. can use an administrative proceeding to require payment of child support.²⁵¹ 42 U.S.C. § 664(a)(2)(A) says that agencies like O.R.S. can intercept federal and state income tax refunds to satisfy unpaid child support.

Each child support payment is, “on or after the date it is due,” a judgment.²⁵²

²⁴⁴ Utah Code Ann. § 78B-6-315 (LexisNexis 2012).

²⁴⁵ Utah Code Ann. § 76-7-201 (LexisNexis 2012).

²⁴⁶ Utah Code Ann. § 76-7-201(3) (LexisNexis 2012).

²⁴⁷ Utah Code Ann. § 62A-11-103(13) (LexisNexis Supp. 2019).

²⁴⁸ Utah Code Ann. § 62A-11-104(1) (LexisNexis Supp. 2019).

²⁴⁹ Utah Code Ann. § 62A-11-404(1) (LexisNexis 2011).

²⁵⁰ Utah Code Ann. § 62A-11-502(1) (LexisNexis 2011).

²⁵¹ Utah Code Ann. § 62A-11-304.2(1) (LexisNexis 2011).

²⁵² Utah Code Ann. § 62A-11-312.5(1) (LexisNexis 2011).

Chapter 12 Modifications

“The court has continuing jurisdiction to make subsequent changes or new orders for the custody of the children and their support, maintenance, health, and dental care, and for distribution of the property and obligations for debts as is reasonable and necessary.”²⁵³ Attorney fees may be awarded if a petition to modify or defense against modification was not done in good faith.²⁵⁴

Modification of Custody or Parent Time

In order to justify a modification of custody the court must find that a substantial change in circumstances has occurred and that the change is in the best interest of the child.²⁵⁵ For example, it would be wrong for a court to “focus on a [noncustodial parent’s] re-marriage and the consequent circumstances of a stepmother as a full-time homemaker in finding a change of circumstances.”²⁵⁶ But that fact that a noncustodial parent has overcome her emotional problems is an example of a substantial change of circumstances.²⁵⁷

To modify or terminate an order of **joint** legal or physical custody, the court must find that there has been a “material and substantial change of circumstances” and that modification would be “an improvement for and in the best interest of the child.”²⁵⁸

Where the original order was stipulated rather than litigated, the court can modify custody without applying a “strict changed circumstances” test.²⁵⁹

Utah courts can modify custody decrees from other states if they could now make an initial custody determination and if the other state’s court determines that it no longer has “exclusive continuing jurisdiction” or that Utah would be a more convenient forum or if one of the states’ courts determines that the child and parents (or the person acting as parent) no longer live in the other state.²⁶⁰

If a parent moves 150 miles or more from the original residence, the court may order the relocating parent to pay some of the costs associated with exercising parent time.²⁶¹ Unless otherwise ordered by the court, the noncustodial parent is entitled to spend certain time with the children upon relocation of one of the parties.²⁶² During odd

²⁵³ Utah Code Ann. § 30-3-5(3) (LexisNexis Supp. 2019).

²⁵⁴ Utah Code Ann. § 30-3-5(6) (LexisNexis Supp. 2019).

²⁵⁵ Fullmer v. Fullmer, 761 P.2d 942, 946 (Utah Ct. App. 1988).

²⁵⁶ Fullmer v. Fullmer, 761 P.2d 942, 947 (Utah Ct. App. 1988).

²⁵⁷ Hogge v. Hogge, 649 P.2d 51, 54-55 (Utah 1982).

²⁵⁸ Utah Code Ann. § 30-3-10.4(2)(b) (LexisNexis Supp. 2019).

²⁵⁹ Elmer v. Elmer, 776 P.2d 599, 605-06 (Utah 1989).

²⁶⁰ Utah Code Ann. § 78B-13-203 (LexisNexis 2012).

²⁶¹ Utah Code Ann. § 30-3-37(12) (LexisNexis Supp. 2019).

²⁶² See Utah Code Ann. § 30-3-37(6) (LexisNexis Supp. 2019).

numbered years it is the Thanksgiving holiday and spring school break, if applicable.²⁶³ During even numbered years it is the winter and fall breaks.²⁶⁴ In addition, extended parent-time is to be one-half of the summer or off-track time²⁶⁵ and, “one weekend per month, at the option and expense of the noncustodial parent.”²⁶⁶

Modification of Child Support

“If the prior court order contains a stipulated provision for the automatic adjustment for prospective support, the prospective support shall be the amount as stated in the order, without a showing of a material change of circumstances,” so long as the stipulated provision is “clear and unambiguous”, self-executing, provides for support equaling or exceeding the base child support amount found in the guidelines, and “does not allow a decrease in support as a results of the obligor’s voluntary reduction of income.”²⁶⁷

The trial court retains jurisdiction to modify child support.²⁶⁸

If the amount was not set or modified within the past three years, the court can adjust the amount.²⁶⁹ If the court finds a permanent difference of 10% or more and if “the order adjusting the payor’s ordered support amount does not deviate from the guidelines”, the court will adjust the amount.²⁷⁰ A showing of substantial change in circumstances is not required.²⁷¹

The court may be petitioned, anytime, to adjust the support amount upon a showing of a substantial change in circumstances (e.g., a material change in custody, a material change in the relative wealth or assets of a party, a change of 30% or more in a parent’s income, a material change “in the employment potential and ability of a parent to earn,” a material change in the medical needs of a child, or a material change in the legal responsibility of a parent for the support of other people).²⁷² If the court finds a permanent change of 15% or more, in the amount of support, it will change the amount.²⁷³

²⁶³ Utah Code Ann. § 30-3-37(6)(a) (LexisNexis Supp. 2019).

²⁶⁴ Utah Code Ann. § 30-3-37(6)(b) (LexisNexis Supp. 2019).

²⁶⁵ Utah Code Ann. § 30-3-37(6)(c) (LexisNexis Supp. 2019).

²⁶⁶ Utah Code Ann. § 30-3-37(6)(d) (LexisNexis Supp. 2019).

²⁶⁷ Utah Code Ann. § 78B-12-202(1)(b) (LexisNexis 2012).

²⁶⁸ Utah Code Ann. § 30-3-5(3) (LexisNexis Supp. 2019).

²⁶⁹ Utah Code Ann. § 78B-12-210(8)(a) (LexisNexis 2012).

²⁷⁰ Utah Code Ann. § 78B-12-210(8)(b) (LexisNexis 2012).

²⁷¹ Utah Code Ann. § 78B-12-210(8)(c) (LexisNexis 2012).

²⁷² Utah Code Ann. § 78B-12-210(9) (LexisNexis 2012). A change in the child support obligation table is not considered to be a substantial change in circumstances. Utah Code Ann. § 78B-12-210(9)(a) (LexisNexis 2012).

²⁷³ Utah Code Ann. § 78B-12-210(9)(c) (LexisNexis 2012).

Child support cannot be changed retroactively, but it can begin with the date that the pleading was served on the person who is to pay the additional child support.²⁷⁴

Modification of Alimony

The court can modify alimony “based on a substantial material change in circumstances not foreseeable at the time of the divorce.”²⁷⁵ The court is not permitted to modify or award new alimony for “needs of the recipient that did not exist at the time the decree was entered, unless the court finds extenuating circumstances that justify that action.”²⁷⁶

The court can consider a “subsequent spouse’s financial ability to share living expenses” and “may consider the income of a subsequent spouse if . . . the “payor’s improper conduct justifies that consideration.”²⁷⁷

Alimony may be given later even if not awarded in the initial decree.²⁷⁸

Modification of Property and Debt Division

“The court has continuing jurisdiction to make subsequent changes or new orders . . . for distribution of the property and obligations for debts as is reasonable and necessary.”²⁷⁹

Other Considerations

The juvenile court “may acquire jurisdiction” in child abuse, child neglect, and dependent child cases, and change custody, support, and parent-time, “as necessary to implement the order of the juvenile court for the safety and welfare of the child.”²⁸⁰

²⁷⁴ Utah Code Ann. § 78B-12-112(4) (LexisNexis 2012).

²⁷⁵ Utah Code Ann. § 30-3-5(8)(i)(i) (LexisNexis Supp. 2019).

²⁷⁶ Utah Code Ann. § 30-3-5(8)(i)(ii) (LexisNexis Supp. 2019).

²⁷⁷ Utah Code Ann. § 30-3-5(8)(i)(iii) (LexisNexis Supp. 2019).

²⁷⁸ Georgedes v. Georgedes, 627 P.2d 44, 46 n.1 (Utah 1981).

²⁷⁹ Utah Code Ann. § 30-3-5(3) (LexisNexis Supp. 2019). A substantial change of circumstances must be found before a property division can be modified. See Childs v. Callahan, 993 P.2d 244, 247 (Utah Ct. App. 1999) (vesting of a military retirement was not a sufficient change of circumstances).

²⁸⁰ Utah Code Ann. § 78A-6-104(4) (LexisNexis 2012).

Chapter 13 Mediation

Civil cases are generally required to submit to alternative dispute resolution.²⁸¹

Mediation, a form of alternative dispute resolution, is defined as “a private forum in which one or more impartial persons facilitate communication between parties to a civil action to promote a mutually acceptable resolution or settlement.”²⁸² The purpose of alternative dispute resolution is to “promote the efficient and effective operation of the courts of this state by authorizing and encouraging the use of alternative methods of dispute resolution to secure the just, speedy, and inexpensive determination of civil actions filed in the courts of this state.”²⁸³ Confidentiality of ADR procedures is intended to aid in the “successful resolution of civil actions in a just, speedy, and inexpensive manner”²⁸⁴ The “Judicial Council may by rule establish experimental and permanent ADR programs”²⁸⁵ Mediation is governed by the Utah Rules of Court-Annexed Alternative Dispute Resolution²⁸⁶ and Rule 4-510 of the Utah Code of Judicial Administration.

Unless all agree, only the parties, representatives, and mediator may attend mediation sessions.²⁸⁷ A settlement agreement between the parties as a result of mediation can be put in writing, filed with the court, and enforced as a judgment of the court.²⁸⁸

A wide range of civil cases are to be referred to the alternative dispute resolution (“ADR”) program and only certain kinds of cases are exempt from the ADR rules.²⁸⁹ ADR is to proceed upon the filing of the responsive pleading unless the parties have participated in another ADR program or have been excused by the court.²⁹⁰

²⁸¹ See Utah Code Jud. Administration 4-510.05(1)(A).

²⁸² Utah Code Ann. § 78B-6-202 (LexisNexis 2012).

²⁸³ Utah Code Ann. § 78B-6-203(1) (LexisNexis 2012).

²⁸⁴ Utah Code Ann. § 78B-6-203(2)(b) (LexisNexis 2012).

²⁸⁵ Utah Code Ann. § 78B-6-205 (LexisNexis 2012).

²⁸⁶ These rules are located at <http://www.utcourts.gov/resources/rules/adr/>.

²⁸⁷ Utah Code Ann. § 78B-6-207(2)(a) (LexisNexis 2012).

²⁸⁸ Utah Code Ann. § 78B-6-207(3)(a) (LexisNexis 2012). A lawyer who serves “as a mediator in a mediation in which the parties have fully resolved all issues” is allowed to “prepare formal documents that memorialize and implement the agreement reached in mediation;” the lawyer-mediator “shall recommend that each party seek independent legal advice before executing the documents;” the lawyer-mediator “with the informed consent of all parties confirmed in writing, may record or may file the documents in court, informing the court of the mediator’s limited representation of the parties for the sole purpose of obtaining such legal approval as may be necessary.” Utah R. Prof. Conduct 2.4(c).

²⁸⁹ See Utah Code Jud. Admin. 4-510.06.

²⁹⁰ Utah Code Jud. Admin. 4-510.05(1)(A).

There is currently an Expedited Parent-time Program in the third judicial district.²⁹¹ “If a parent files a motion in the third judicial district alleging that court-ordered parent-time rights are being violated, the clerk of the court, after assigning the case to a judge, shall refer the case . . . for assignment to a mediator”²⁹² The mediation can be terminated if an agreement is reached or if the parents are unable to reach an agreement.²⁹³ A judge may sign a mediated agreement as an order, “order the parents to receive services to facilitate parent-time”, “proceed with the case”, or “take other appropriate action.”²⁹⁴ If abuse is alleged, the judge and Division of Child and Family Services are to be informed immediately.²⁹⁵ Expenses of mediation are to be “divided equally between the parents”, unless one of them “failed to participate in good faith” or “made an unfounded assertion or claim” of abuse (in which case they may be required to pay more).²⁹⁶

In addition, there is a mandatory domestic mediation program throughout the entire state.²⁹⁷ After the filing of an answer to a complaint for divorce, the parties are to participate in at least one mediation session.²⁹⁸ Unless the court orders otherwise or the parties agree, the cost of mediation is to “be divided equally between the parties.”²⁹⁹ The parties may be excused from mediation for good cause.³⁰⁰

Mediators will go through seven steps or stages of mediation.³⁰¹ The first is intake, in which the parties contact the mediator’s office and schedule the first visit.³⁰² The second is contracting, in which the parties review the goals of mediation, discuss the role of the mediator, agree to work together, agree to costs, and sign a formal mediation agreement.³⁰³ The third is gathering information, in which the mediator gets a description of the facts and feelings of the parties and the parties begin to listen to each other.³⁰⁴ The fourth step is identifying issues, in which the mediator makes a list of the issues, based upon the statements of the parties.³⁰⁵ The fifth is agenda setting, in which the mediators work with the parties to organize and prioritize issues.³⁰⁶ The sixth is resolving each issue, in which the mediator (a) gathers additional information, (b) helps the parties explore needs and interests, (c) helps the parties list options to deal with issues, (d) has

²⁹¹ Utah Code Ann. § 30-3-38(1) (LexisNexis 2013).

²⁹² Utah Code Ann. § 30-3-38(3)(a) (LexisNexis 2013).

²⁹³ Utah Code Ann. § 30-3-38(3)(d) (LexisNexis 2013).

²⁹⁴ Utah Code Ann. § 30-3-38(3)(e) (LexisNexis 2013).

²⁹⁵ Utah Code Ann. § 30-3-38(4) (LexisNexis 2013).

²⁹⁶ Utah Code Ann. § 30-3-38(6) (LexisNexis 2013).

²⁹⁷ See Utah Code Ann. § 30-3-39(1) (LexisNexis 2013).

²⁹⁸ Utah Code Ann. § 30-3-39(2) (LexisNexis 2013).

²⁹⁹ Utah Code Ann. § 30-3-39(4) (LexisNexis 2013).

³⁰⁰ Utah Code Ann. § 30-3-39(5) (LexisNexis 2013).

³⁰¹ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 26-29 (1996).

³⁰² Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 26 (1996).

³⁰³ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 26 (1996).

³⁰⁴ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 26 (1996).

³⁰⁵ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 26 (1996).

³⁰⁶ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 26 (1996).

the parties evaluate options, and (e) has the parties negotiate with one another and make decisions.³⁰⁷ Sometimes the mediator will caucus, or meet with the parties individually, “to help them consider their alternatives and to encourage them to make movement in order to reach agreement.”³⁰⁸ The final step is reviewing and drafting final agreements.³⁰⁹

³⁰⁷ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 27 (1996).

³⁰⁸ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 27 (1996).

³⁰⁹ Mark D. Bennett & Michele S.G. Hermann, The Art of Mediation 29 (1996).

APPENDIXES 2020*

*Current with 2019 Legislative Acts

Compiled and edited by Laureen C. Urquiaga

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Sample Affidavit About Child Support Services	A11-25
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TOC NOTES:

*Financial Disclosure Forms should also be submitted with a Petition to Modify.
Sample Custody and Support Worksheets are in Appendix 13*

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Appendix 1: Sample Documents for Beginning a Divorce

Additional forms, as well as sample motions (for example, to file an answer or to dismiss the action), are available at <https://www.utcourts.gov/howto/divorce/>.

ADVISORY NOTE

Fillable online forms are provided at the [Utah Online Court Assistance Program \(OCAP\)](#) website, and readers are strongly encouraged to use that system whenever possible. Documents generated by the OCAP site automatically meet court requirements.

The documents included in this and the following appendixes are provided for reference only. Links to Utah court website source documents are provided when available. Please be aware that while PDF documents are included for the purposes of this publication, many of these forms are also available in DOC format (used by Microsoft Word, Google Docs and other open source word processing programs).

Certain documents, such as the Complaint (see page A1-5), Stipulation (see Appendix 6) and QDRO (see Appendix 8), must be individually customized to represent the circumstances of a particular case and no official form is provided. An example of a typical document for each type is provided for reference, and these are identified by a note on each first page. These forms should never be used “as is”. Careful drafting of these documents (preferably by an attorney or a licensed paralegal) is necessary in every case to insure that any documents submitted to a court are accurate and relevant.

Interpretation. If you do not speak or understand English, contact the court at least 3 days before the hearing or mediation, and an interpreter will be provided.

Plaintiff/Petitioner (First)

Name _____

Address _____

City, State, Zip _____

Phone _____ Email _____

First Plaintiff/Petitioner's Attorney*

Name _____

Bar Number _____

Plaintiff/Petitioner (Second)

Name _____

Address _____

City, State, Zip _____

Phone _____ Email _____

Second Plaintiff/Petitioner's Attorney*

Name _____

Bar Number _____

Interpretación. Si usted no habla o entiende el Inglés contacte al tribunal por lo menos 3 días antes de la audiencia o mediación y le proveerán un intérprete.

Defendant/Respondent (First)

Name _____

Address _____

City, State, Zip _____

Phone _____

First Defendant/Respondent's Attorney*

Name _____

Bar Number _____

Defendant/Respondent (Second)

Name _____

Address _____

City, State, Zip _____

Phone _____

Second Defendant/Respondent's Attorney*

Name _____

Bar Number _____

*Attorney mailing and email addresses provided by Utah State Bar.

Total Claim for Damages \$ _____ **Jury Demand** ☐ Yes ☐ No **\$250** ☐ Jury Demand

Schedule of Fees: §78a-2-301 (Choose ☒ all that apply. See Page 2 for fees for claims other than claims for damages.)

PLEASE CHOOSE ONE:

- ☐ No monetary damages are requested (URCP 26: Tier 2)
- ☐ Damages requested are \$50,000 or less (URCP 26: Tier 1)
- ☐ Damages requested are more than \$50,000 and less than \$300,000 (URCP 26: Tier 2)
- ☐ Damages requested are \$300,000 or more (URCP 26: Tier 3)
- ☐ Damages are unspecified.
Circle one: Tier 1 Tier 2 Tier 3
- ☐ This case is exempt from URCP 26. (E)

— MOTION TO RENEW JUDGMENT —
\$37.50 ☐ Damages \$2000 or less

\$92.50 ☐ Damages \$2001 - \$9,999

\$180 ☐ Damages \$10,000 & over

— COMPLAINT OR INTERPLEADER —

\$75 ☐ Damages \$2000 or less

\$185 ☐ Damages \$2001 - \$9999

\$360 ☐ Damages \$10,000 & over

\$360 ☐ Damages Unspecified

— COUNTERCLAIM, CROSS CLAIM, THIRD PARTY CLAIM, OR INTERVENTION —

\$55 ☐ Damages \$2000 or less

\$150 ☐ Damages \$2001 - \$9999

\$155 ☐ Damages \$10,000 & over

Appendix 1: Sample Documents for Beginning a Divorce

Fee	Case Type	Choose <input checked="" type="checkbox"/> One	Fee	Case Type
----- APPEALS -----				
\$360	<input type="checkbox"/> Administrative Agency Review		\$115	<input type="checkbox"/> Counterclaim: Divorce/Sep Maint.
Sch	<input type="checkbox"/> Tax Court (Appeal of Tax Commission Decision) <small>Court: Refer to Clerk of Court upon filing.</small>		\$115	<input type="checkbox"/> Counterclaim: Custody/Visit/Support
\$225	<input type="checkbox"/> Civil (78A-2-301(1)(h)) (E)		\$155	<input type="checkbox"/> Counterclaim: Paternity/Grandparent Visitation
\$225	<input type="checkbox"/> Small Claims Trial De Novo (E)		\$100	<input type="checkbox"/> Domestic Modification (T2)
----- GENERAL CIVIL -----				
Sch	<input type="checkbox"/> Civil Rights		\$100	<input type="checkbox"/> Counter-petition: Domestic Mod.
\$0	<input type="checkbox"/> Civil Stalking (E)		\$360	<input type="checkbox"/> Grandparent Visitation (T2)
\$360	<input type="checkbox"/> Condemnation/Eminent Domain		\$360	<input type="checkbox"/> Paternity/Parentage (T2)
Sch	<input type="checkbox"/> Contracts		\$310	<input type="checkbox"/> Separate Maintenance (T2)
Sch	<input type="checkbox"/> Contract: Employment Discrimination		\$35	<input type="checkbox"/> Temporary Separation (E)
Sch	<input type="checkbox"/> Contract: Fraud		\$35	<input type="checkbox"/> Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA) (E)
Sch	<input type="checkbox"/> Debt Collection		\$35	<input type="checkbox"/> Uniform Interstate Family Support Act (UIFSA) (E)
----- JUDGMENTS -----				
\$360	<input type="checkbox"/> Essential Treatment Intervention (62A-15-1203)		\$35	<input type="checkbox"/> Foreign Judgment (Abstract of) (E)
Sch	<input type="checkbox"/> Eviction/Forcible Entry and Detainer (E)		\$50	<input type="checkbox"/> Abstract of Judgment/Order of Utah Court/Agency (E)
\$360	<input type="checkbox"/> Extraordinary Relief/Writs		\$30	<input type="checkbox"/> Abstract of Judgment/Order of Utah State Tax Commission (E)
\$360	<input type="checkbox"/> Forfeiture of Property (E)		\$35	<input type="checkbox"/> Judgment by Confession (E)
Sch	<input type="checkbox"/> Interpleader		----- PROBATE -----	
Sch	<input type="checkbox"/> Lien/Mortgage Foreclosure		Use the Utah District Court Cover Sheet for Probate Actions for the following:	
Sch	<input type="checkbox"/> Miscellaneous Civil		Adoptions/foreign adoptions; conservatorships; estate personal rep; foreign probate; gestational agreements; guardianships; minor's settlements; name changes; supervised administration cases; trusts; other probate actions	
\$360	<input type="checkbox"/> Post Conviction Relief: Capital (E)		----- SPECIAL MATTERS -----	
\$360	<input type="checkbox"/> Post Conviction Relief: Non-capital (E)		\$35	<input type="checkbox"/> Arbitration Award (E)
Sch	<input type="checkbox"/> Property Rights		\$0	<input type="checkbox"/> Determination Competency-Criminal (E)
\$360	<input type="checkbox"/> Registry Removal (Gun/White Collar)		\$135	<input type="checkbox"/> Expungement Petition (E)
Sch	<input type="checkbox"/> Sexual Harassment		\$0	<input type="checkbox"/> Hospital Lien (E)
Sch	<input type="checkbox"/> Water Rights		\$35	<input type="checkbox"/> Judicial Approval of Document: Not Part of Pending Case (E)
\$360	<input type="checkbox"/> Wrongful Lien		\$35	<input type="checkbox"/> Notice of Deposition in Out-of-State Case/Foreign Subpoena (E)
Sch	<input type="checkbox"/> Wrongful Termination		\$35	<input type="checkbox"/> Open Sealed Record (E)
----- TORTS -----				
Sch	<input type="checkbox"/> Automobile Tort		\$50	<input type="checkbox"/> Petition for Adjudication of Priority to Funds on Trustee's Sale
Sch	<input type="checkbox"/> Intentional Tort			
Sch	<input type="checkbox"/> Malpractice-Medical Tort			
Sch	<input type="checkbox"/> Malpractice-Legal Tort; Other			
Sch	<input type="checkbox"/> Premises Liability			
Sch	<input type="checkbox"/> Asbestos			
Sch	<input type="checkbox"/> Product Liability (NOT Asbestos)			
Sch	<input type="checkbox"/> Slander/Libel/Defamation			
----- DOMESTIC RELATIONS -----				
\$0	<input type="checkbox"/> Protective Orders (E)			
\$310	<input type="checkbox"/> Marriage Adjudication (T2)			
\$310	<input type="checkbox"/> Custody/Visitation/Support (T2)			
\$310	<input type="checkbox"/> Divorce/Annulment (T2)			
	<input type="checkbox"/> Check if child support, custody or parent-time will be part of decree			
	<input type="checkbox"/> Check if Temporary Separation filed			
\$8	<input type="checkbox"/> Vital Statistics \$26-2-25 per form			

STATE OF UTAH - DEPARTMENT OF HEALTH CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT

SPOUSE 1	1a. First Name		1b. Middle Name		1c. Last name before first marriage, if applicable		1d. Last Name		
	1e. Sex <input type="checkbox"/> M <input type="checkbox"/> F		2a. RESIDENCE - CITY, TOWN OR LOCATION				2b. COUNTY		
	2c. STATE		3. BIRTHPLACE (State or Foreign Country)				4. BIRTHDATE (MM/DD/YY)		
	5. NUMBER OF THIS MARRIAGE - First, Second, etc. (Specify)		6. IF NOT FIRST MARRIAGE, LAST MARRIAGE ENDED: By Death, Divorce, Dissolution, or annulment (Specify)		Date (MM/DD/YY)		7. RACE: White, Black, American Indian, etc. (Specify)		
						8. EDUCATION: (Specify only highest grade completed)			
						Elementary/Secondary (0 - 12)		College (13-16 or 17+)	

SPOUSE 2	9a. First Name		9b. Middle Name		9c. Last name before first marriage, if applicable		9d. Last Name		
	9e. Sex <input type="checkbox"/> M <input type="checkbox"/> F		10a. RESIDENCE - CITY, TOWN OR LOCATION				10b. COUNTY		
	10c. STATE		11. BIRTHPLACE (State or Foreign Country)				12. BIRTHDATE (MM/DD/YY)		
	13. NUMBER OF THIS MARRIAGE - First, Second, etc. (Specify)		14. IF NOT FIRST MARRIAGE, LAST MARRIAGE ENDED: By Death, Divorce, Dissolution, or annulment (Specify)		Date (MM/DD/YY)		15. RACE: White, Black, American Indian, etc. (Specify)		
						16. EDUCATION: (Specify only highest grade completed)			
						Elementary/Secondary (0 - 12)		College (13-16 or 17+)	

MARRIAGE	17a. PLACE OF THIS MARRIAGE - CITY TOWN, OR LOCATION		17b. COUNTY		17c. STATE OR FOREIGN COUNTRY		18. DATE OF THIS MARRIAGE (MM/DD/YY)	
	19. DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD (MM/DD/YY)		20. NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF THE DATE IN ITEM 19 Number _____ <input type="checkbox"/> None		21. PETITIONER <input type="checkbox"/> Spouse 1 <input type="checkbox"/> Spouse 2 <input type="checkbox"/> Both <input type="checkbox"/> Other, Specify _____			

ATTORNEY	22a. NAME OF PETITIONER'S ATTORNEY (Type/Print)		22b. ADDRESS (Street and Number or Rural Route Number, City, or Town, State, Zip Code)	

DECREE	23. I CERTIFY THAT THE MARRIAGE OF THE ABOVE NAMED PERSONS WAS DISSOLVED ON (MM/DD/YY)		24. TYPE OF DECREE, Divorce, Dissolution, or Annulment (Specify)		25. DATE RECORDED (MM/DD/YY)	
	26. NUMBER OF CHILDREN UNDER 18 WHOSE PHYSICAL CUSTODY WAS AWARDED TO: Spouse 1 _____ Spouse 2 _____ Joint _____ Other _____ <input type="checkbox"/> No Children <input type="checkbox"/> Not Determined Yet		27. COUNTY OF DECREE		28. TITLE OF COURT	
	29. SIGNATURE OF CERTIFYING OFFICIAL		30. TITLE OF CERTIFYING OFFICIAL		25. DATE SIGNED (MM/DD/YY)	

Sample Complaint (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _____ District Court of Utah
_____ Judicial District _____ County
Court Address _____

Plaintiff/Petitioner

V.

Defendant/Respondent

**VERIFIED COMPLAINT FOR
DIVORCE**

Case Number

Commissioner (or Judge)

Petitioner, _____, complains and alleges as follows.

1. Petitioner has been an actual and bona fide resident of _____ County, State of Utah, for at least three months immediately prior to the filing of this action.

2. The parties are wife and husband, having been married on _____, in _____, State of Utah.
3. The parties maintained their marital domicile and/or the acts giving rise to this action occurred in the County of _____, State of Utah.
4. Petitioner should be granted a divorce from Respondent on the ground of irreconcilable differences because the parties have been unable to resolve their marital problems, making continuation of their marriage impossible.
5. The parties have _____ minor child(ren) namely:
_____, born _____,
_____, born _____.
6. The parties' minor child(ren) has/have resided in the State of Utah for at least six (6) months immediately prior to the filing of this action. (**NOTE:** *Insert, here, any other addresses where the child(ren) lived during the past five years and the names and present addresses of people they lived with during that time. In addition, declare, under oath, whether the petitioner has information of any other pending custody proceeding concerning the child(ren); and whether the petitioner knows of any person, not a party to the action, who has or claims custody or parent-time rights to the child.*)
7. The parties' minor child(ren) currently live(s) with Petitioner and Petitioner has been the child(ren)'s primary caretaker and is a fit and proper parent. Therefore, it is in the best interest of the parties' minor child(ren) that Petitioner be awarded permanent sole care, custody and control of the minor child(ren).
8. Respondent should be awarded rights of parent-time with the parties' minor child(ren) as follows: _____.

9. Pick up and return of the parties' minor child(ren) should occur at Petitioner's residence.
10. Respondent should be responsible for all costs associated with visiting the parties' minor child(ren).
11. If Respondent contests the child custody and parent-time sought by Petitioner, then a qualified agency or person should conduct a child custodial evaluation. The agency or person conducting the evaluation should submit a report of their methods, findings, conclusions, and recommendations to the Court and the parties' attorneys. The cost of the evaluation, including fees for the evaluator to testify in Court, should be paid by Respondent.
12. Respondent should be permanently restrained from removing the parties' minor child(ren) from Petitioner's state of residence without the Petitioner's notarized, written consent, or by court order. If Respondent does remove the child(ren), an immediate pick-up order should be issued.
13. Each party should be permanently restrained from saying and/or doing anything derogatory against the other in the presence of the parties' minor child(ren).
14. Petitioner should be entitled to claim the parties' minor child(ren) as a dependent (dependents) for tax purposes.
15. Each party should attend and complete the mandatory courses for people going through a divorce, as required by Utah Code sections 30-3-11.3 and/or 30-3-11.4. Information and course schedules may be obtained through the Clerk of the District Court, _____, County. This paragraph should serve as notice to Respondent that he/she is required to attend this course.
16. Public assistance has/has not been received from the State of Utah for the parties' minor child(ren). (If yes, the State of Utah, Office of the Attorney General,

must be given written notification of this action, and evidence of that notification must be filed with the court.)

17. Petitioner has a gross monthly income of \$_____, is/is not under court order to pay child support; does/does not pay alimony to any ex-spouse; contributes \$_____ toward monthly premiums for health, hospital, and dental care insurance on the parties' minor child(ren); and pays \$_____ as work-related child care costs.
18. To the best of Petitioner's knowledge and belief, Respondent has a gross monthly income of approximately \$_____; is/is not under order to pay child support; does/does not pay alimony to any ex-spouse; contributes \$_____ toward monthly premiums for health, hospital, and dental care insurance on the parties' minor child(ren) and pays \$_____ as work-related child care costs.
19. Respondent's base child support obligation should be set at \$_____ per month, beginning _____. (Two copies of the "Child Support Obligation Worksheet" are attached and incorporated by reference herein.)
- a. Respondent should pay child support, other than any court-ordered child care costs, in two equal installments on or before the 5th and 20th of each month to the Utah State Office of Recovery Services (P.O. Box 45011, Salt Lake City, Utah 84145-0011) ("the Office"), unless the Office notifies Respondent that payments should be sent elsewhere.
 - b. Respondent's income should be subject to immediate and automatic income withholding as of the effective date of the order, regardless of whether a delinquency exists.
 - c. Each party should keep the Office informed of changes in his or her address, employment and income.

20. Each party should pay half of all reasonable and necessary health, optical, hospital, dental, and other medical expenses of the parties' minor child(ren) including, but not limited to: out-of-pocket costs actually paid by either parent for the minor child(ren)'s portion of health, optical, hospital, dental, and other medical insurance coverage and all reasonable and necessary uninsured health, optical, hospital, dental, and other medical expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by either parent.

- a. _____ should maintain health, optical, hospital, dental, and other medical insurance on the parties' minor child(ren) if coverage is or becomes available at a reasonable cost.
- b. _____ should provide proper verification of health, optical, hospital, dental, and other medical insurance coverage to _____ and the Office if requested, upon initial enrollment of the dependent child(ren), and thereafter on or before January 2nd of each calendar year. Furthermore, _____ should notify _____ and the Office, if requested, of any change of insurance carrier, premium, or benefits within thirty (30) days of the date he/she first knew or should have known of the change. If such verification is not provided to the Office, no credit should be given by the Office.
- c. Either parent who incurs health, optical, hospital, dental, and other medical expenses for the parties' minor child(ren) should provide written verification of the costs and payment of such health, optical, hospital, dental, or other medical expenses to the other parent within thirty (30) days of payment.

21. Each party should be responsible and liable for one-half of the reasonable child care costs actually incurred each month as a result of Petitioner's schooling

and/or work. Petitioner should provide documentation for reimbursement within thirty (30) days. Respondent's portion of these child care costs should be paid directly to Petitioner by the 5th of each month.

- a. Petitioner should provide written verification of the cost and identity of the child care provider to Respondent.
- b. Petitioner should notify Respondent of any change in the child care provider or the monthly child care expenses within thirty (30) calendar days from the date of the change.

22. A cash payment of alimony, in the following amount (\$_____), should be awarded to Petitioner in this matter.

23. Petitioner should be ordered to pay and assume only the following debt(s): _____ . Petitioner should hold Respondent harmless from any liability on these debts.

24. Respondent should be ordered to pay and assume all other debts incurred during the parties' marriage, but prior to their separation, including but not limited to the following: _____. Respondent should hold Petitioner harmless from any liability on these debts.

25. Each party should be ordered to pay and assume their own debts incurred after the parties' separation on or about _____. Each party should hold the other harmless from any liability on these debts.

26. The parties acquired personal property during the marriage and it should be divided and awarded as follows:

- a. To Petitioner: _____
_____.
- b. To Respondent: _____
_____.

- c. All remaining personal property should be awarded as currently held by each party.
27. The parties do not own an interest in real property.
(*Or: During the marriage, the parties acquired real property located at _____. This real property is presently owned by _____ and _____. The legal description of the property is _____. The parties' real property, and its debt and equity, should be awarded to Petitioner. Petitioner should hold Respondent harmless from any mortgages, liens, taxes, encumbrances, and any other liabilities on this real property.*)
28. The parties are expecting an income tax refund for the tax year _____. Any tax refund should be awarded to Petitioner.
29. Neither party has pensions, profit sharing, and/or retirement benefits which accrued during the parties' marriage. (*Or, _____ has pension, profit sharing, or retirement benefits which should be divided as follows _____.*)
30. Respondent should be permanently restrained from bothering, harassing, annoying, threatening, and/or harming Petitioner at any time or in any place.
31. Petitioner's (or Respondent's) name should be changed to _____.
32. Respondent should be responsible and liable for all service fees and court costs incurred as a result of this action.
33. Each party should be responsible for his or her own attorney's fees.
34. Each party should be ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

Wherefore, Petitioner asks for the following things.

1. A Decree of Divorce should be awarded to Petitioner and become absolute upon entry by the Court.
2. Petitioner should be awarded relief and judgment as requested in the foregoing Verified Complaint for Divorce.
3. Petitioner should be awarded other and further relief as the Court deems just and proper.

Date

Sign here ►

Typed or Printed Name

Attorney for Petitioner

_____, being first duly sworn, deposes and states:
he/she is the Petitioner in the above-entitled action; he/she has read the foregoing
Verified Complaint for Divorce and understands its contents; and the facts set forth in this
pleading are true and correct to his/her own personal knowledge or belief, where
indicated.

Date

Sign here ►

Typed or Printed Name

Subscribed and sworn to before me this _____ day of _____.

NOTARY PUBLIC

Petitioner's Address: _____

_____.

{Access the [OCAP Website](#) or [link to the Utah Parenting Plan information & forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Parenting Plan

(Utah Code 30-3-10.7 through 30-3-10.10)

Case Number

Judge

Commissioner

Utah law requires the following:

- A joint physical custody arrangement may result in denial of cash assistance under the Employment Support Act, Title 35A, Chapter 3, of the Utah Code.
- The objectives of a parenting plan are to:
 - provide for the children's physical care and emotional stability;
 - provide for the children's changing needs in a way that minimizes the need to change the parenting plan;
 - minimize the children's exposure to conflict between the parents;
 - state the authority and responsibilities of each parent to the children;
 - encourage the parents to meet their responsibilities to their children through agreement rather than judicial decision; and

- protect the best interests of the children.
- Each parent must follow the parenting plan even if the other does not. If a parent does not follow the parenting plan, the court may find that parent in contempt of court.
- For further guidance, see Utah Code 30-3-33

This parenting plan is: (Choose all that apply.)

☐ agreed to by petitioner and respondent.

☐ proposed by ☐ petitioner ☐ respondent.

1. Family information

Petitioner

Name	
Street Address	
City, State, Zip	
Phone	
Email	

Respondent

Name	
Street Address	
City, State, Zip	
Phone	
Email	

Minor Children

Child's name (first, middle and last)	Child's gender	Month and year of birth

Child's name (first, middle and last)	Child's gender	Month and year of birth

2. **Parent-time** (Choose one.)

☐ The parents will follow the parent-time schedule in the statute(s).

The children will live with ☐ petitioner ☐ respondent and will have parent-time with the other parent according to the statutory parent-time schedule. That parent will be the “custodial” parent:

(You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

For children 5-18 the parents choose the following.

Weekday parent-time will be on this day: (Choose one.)

☐ Monday

☐ Thursday

☐ Tuesday

☐ Friday

☐ Wednesday

If not specified, the weekday is Wednesday.

On school days parent-time starts: (Choose one.)

☐ at the standard time (5:30 p.m. on weekdays; 6:00 p.m. on weekends).

☐ when school is out.

On days when school is not in session parent-time starts: (Choose one.)

☐ at the standard time (5:30 p.m. on weekdays; 6 p.m. on weekends).

☐ at the morning time listed in the statute (depending on custodial parent's work schedule) if the noncustodial parent is able to be with the child:

- 9:00 a.m. (30-3-35).
- 8:00 a.m. (30-3-35.1).

- ☐ The parents will make our own parent-time schedule.

The children will live with ☐ petitioner ☐ respondent and will have parent-time with the other parent for the following days and times:

- ☐ The above choices do not fit this parenting plan. Instead, the parent-time schedule will be as follows:

3. **Parent-time for special occasions**

(Choose one.)

- ☐ The parents will follow the holiday schedule in the statute(s) for special occasions. The

☐ petitioner

☐ respondent

will be the custodial parent for purposes of the holiday.

- ☐ **On school days**, holiday parent-time starts: (Choose one.)

☐ at the time listed for the holiday.

☐ when school is out until 7:00 p.m. on the last day of the holiday weekend.

- ☐ **On days when school is not in session**, holiday parent-time starts: (Choose one.)

☐ at the time listed for the holiday

☐ at approximately 9:00 a.m. on the first day of the holiday period until 7:00 p.m. on the last day of the holiday weekend

(depending on custodial parent's work schedule) if the noncustodial parent is able to be with the child.

[] The parent-time schedule for special occasions is as described below. If a schedule for a special occasion is not described, the regular schedule applies.

(Describe the children's parent-time schedule as needed. For example, Thanksgiving: Even-numbered years with petitioner; odd-numbered years with respondent. From Wednesday at 6 p.m. to Friday at 6 p.m.)

Special Occasion	Parent-Time Schedule
Labor Day Weekend	
Columbus Day Weekend	
Fall School Break	
Halloween	
Veterans' Day	
Thanksgiving Break	
Winter School Break	
Christmas Eve	
Christmas Day	
New Year's Eve	
New Year's Day	
Dr. MLK, Jr. Day Weekend	
Presidents' Day Weekend	
Spring School Break	
Mother's Day	

Special Occasion	Parent-Time Schedule
Memorial Day Weekend	
Father's Day	
Summer School Break / Vacation	
Independence Day	
Pioneer Day	
Children's Birthdays	
Petitioner's Birthday	
Respondent's Birthday	
Other Religious Holiday	
Other Civic or School Holiday	
Other Special Occasion	
Other Special Occasion	

4. Parent-time transfers

Pick-up and drop-off ("transfers") of the children for parent-time will be as described below (Choose one.):

☐ Transfer at **beginning** of parent-time will be by:

☐ Petitioner

☐ Respondent

☐ Other adult _____ (name)

picking up/dropping off the children at this address:

and transfer at **end** of parent-time by:

- ☐ Petitioner
☐ Respondent
☐ Other adult _____ (name)

picking up/dropping off the children at this address:

- ☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

- ☐ Other pick-up/drop-off arrangement (Describe in detail.):

5. **Decision-making**

The following applies to the Parenting Plan:

- Each parent will make day-to-day decisions for the children during the time they are caring for the children.
- Either parent may make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other parent as soon as reasonably possible.

(Choose one.)

- ☐ **Joint decision-making.**

The parents will share responsibility for making major decisions about the children. If there is a disagreement, the parents will resolve the dispute as provided in the Resolving disputes section below.

Other:

- ☐ **Sole decision-making.**

The following parent will make decisions about:

Education

- ☐ Petitioner ☐ Respondent

Health care

☐ Petitioner ☐ Respondent

Religious upbringing

☐ Petitioner ☐ Respondent

Other:

6. **Education plan**

Location of school (Choose one.)

☐ The school the children will attend is based on:

☐ Petitioner's home residence

☐ Respondent's home residence

☐ Other specific plan for where the children will attend school:

School access

The following people have authority to check the children out of school:

☐ Petitioner

☐ Respondent

☐ Other _____ (name)

The following people have access to the children during school:

☐ Petitioner

☐ Respondent

☐ Other _____ (name)

Education decisions

If the parents cannot agree, education decisions will be made by:

☐ Petitioner

☐ Respondent

7. Communication with each other

Parents will communicate with each other: (Choose all that apply.)

☐ by any method

☐ in person

☐ by telephone

☐ by texting

☐ by letter

☐ by e-mail

☐ other (describe): _____

8. Communication with the children

The parents agree they will:

- provide age-appropriate help to the children to communicate with the other parent.
- give the children privacy during their communication with the other parent. The parents will not interfere with or monitor communication between the children and the other parent.

Parents and children may communicate with each other: (Choose all that apply.)

☐ Whenever the children choose.

☐ At any reasonable times (Specify.):

☐ weekends and holidays:
between _____ am/pm and _____ am/pm

☐ school days:
between _____ am/pm and _____ am/pm

☐ school vacation days:
between _____ am/pm and _____ am/pm

Parents may communicate with the children by following method: (Choose all that apply.)

☐ by any method

☐ in person

☐ by telephone

☐ parents will maintain voice mail so the children can leave and receive messages.

☐ by texting

☐ by letter

☐ by e-mail

☐ other (describe): _____

☐ Other terms about communication with the children:

9. Records and information sharing

(Choose all that apply.)

☐ Both parents will have access to records and the ability to consult with providers regarding education, child care, and health care.

☐ Other terms regarding records and information sharing:

10. Travel by the children

During their parent-time, the parent may consent for the children to travel with a sports team, religious group, school group, relatives, friends, by themselves, or with others.

☐ If the children will be travelling for more than _____ days, the parent arranging the travel will notify the other parent at least _____ days in advance. That parent will give the other parent the travel schedule, locations and phone numbers at least _____ days in advance. In case of emergency, the parent will provide as much notice as possible.

☐ Other agreements about travel by the children:

11. **Military service by a parent**

(Choose one.)

- ☐ One or both parents are servicemembers and a Military Parenting Plan is attached .
- ☐ Neither parent is a servicemember.

12. **Child care**

(Choose all that apply.)

- ☐ A child care provider for our children must be:
- ☐ a licensed child care provider.
 - ☐ a relative, friend or neighbor.
 - ☐ over the age of _____.
 - ☐ other qualifications: _____
- ☐ Other terms about child care:

13. **Relocation of a parent**

(Choose all that apply.)

- ☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.
- ☐ Neither parent may relocate with the minor children more than ____ miles from their current residence without a written agreement signed by the parties or further court order.
- ☐ Other terms about relocating:

14. **Changing the plan**

This plan remains in effect until changed. A change must be agreed to by both of us and in the following manner:

- ☐ All changes must be in writing
- ☐ Major or permanent changes must be in writing, but minor or temporary changes can be made orally
- ☐ Other

15. **Resolving disputes**

If the parents need to resolve a dispute regarding the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for their children.

If the parents are unable to agree, they will go to the following before bringing the issue to the court (Choose all that apply.):

- ☐ mediation
- ☐ arbitration
- ☐ counseling
- ☐ Other agreements about resolving disputes:

16. ☐ **Other terms that are important to us or our children**

(Describe)

17. [] Additional parenting responsibilities, expectations or commitments:

18. This plan is made in good faith and is in the best interests of the children.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Parenting Plan on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Fee Waiver information.](#)}

This is a private record

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Motion to Waive Fees and Statement Supporting Motion (Utah Code 78A-2-302 and Code of Judicial Administration Rule 4-508)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

- I cannot pay the court fees in this case. I believe I qualify for a waiver.
- I ask the following fee(s) be waived:
(Choose all that apply. Ask court staff for help if needed.)

<input type="checkbox"/> Filing fee (Refer to Civil Cover Sheet): Amount: \$ _____	<input type="checkbox"/> Divorce education class fee (Maximum \$35.00.)
<input type="checkbox"/> OCAP fee (\$20.00)	<input type="checkbox"/> Divorce orientation class fee (Maximum \$30.00.)

- ☐ Office of Vital Records fee
 (Certificate of Adoption or Certificate of Divorce; \$8.00):
- ☐ Service fee (within Utah)
- ☐ Appeal fee
- ☐ \$225 Filing
☐ \$10 Small claims appeal (Justice Court)
- ☐ Other _____
- ☐ Other _____

3. Employment

- ☐ I am employed as (Choose all that apply):
- ☐ an hourly employee (Form W-2)
- ☐ a salaried employee (Form W-2)
- ☐ self-employed (Form 1099, Form K-1, Schedule C, etc.)
- ☐ other (Explain): _____

Name of employer	Employer's address and phone number	Job title	Hourly rate or annual salary	Hours per week (If hourly)
			\$	
			\$	
			\$	

- ☐ I am unemployed because:
- _____
- _____
- _____

4. Dependents (Count spouse, children or other dependents in your household. If none, write 0.)

The following people depend on me for support.

Number of adults	
Number of children under 18	

5. Gross Monthly Income

☐ I have the following monthly income before tax deductions:
 (Print your pre-tax income in the boxes below. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of income	Monthly amount
Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
Rental income	\$
Business income	\$
Interest	\$
Dividends	\$
Retirement income (Including pensions, 401(k), IRA, etc.)	\$
Worker's compensation	\$
Private disability insurance	\$
Social Security Disability Income (SSDI)	\$
Supplemental Security Income (SSI)	\$
Social Security (Other than SSDI or SSI)	\$
Unemployment benefits	\$
Education benefits (Including grants, loans, cash scholarships, etc.)	\$
Veteran's benefits	\$
Alimony	\$
Child support	\$
Payments from civil litigation	\$
Victim restitution	\$
Public assistance (Including AFDC, FEP, TANF, welfare, etc.)	\$
Financial support from household members	\$
Financial support from non-household members	\$
Trust income	\$
Annuity income	\$
Other (Describe)	\$
Other (Describe)	\$
Total gross monthly income	\$

☐ I have no income because:

6. Monthly Tax Deductions

☐ I have no monthly tax deductions because I have no income.

☐ I have the following monthly tax deductions.

Type of tax deduction	Amount
Federal income tax	\$
State income tax	\$
Municipal income tax	\$
FICA	\$
Medicare	\$
Total monthly tax deductions	\$

7. After Tax Income

☐ My monthly income is:

\$ _____	Gross monthly income from section 5
- \$ _____	Minus monthly tax deductions from section 6
<hr style="border-top: 3px double #000;"/>	
= \$ _____	Equals after-tax monthly income

☐ I have no income.

8. Monthly Expenses (Include amounts you pay for yourself and any spouse, children or other dependents in your household.)

Monthly expense	Current Amount
Rent or mortgage	\$
Real estate taxes (if not included in mortgage)	\$
Real estate insurance (if not included in mortgage)	\$

Appendix 1: Sample Documents for Beginning a Divorce

Monthly expense	Current Amount
Real estate maintenance	\$
Food and household supplies	\$
Clothing	\$
Automobile payments	\$
Automobile insurance	\$
Automobile fuel	\$
Automobile maintenance	\$
Other transportation costs (public transportation, parking, etc.)	\$
Utilities (such as electricity, gas, water, sewer, garbage)	\$
Telephone	\$
Paid television, cable, satellite	\$
Internet	\$
Credit card payments	\$
Loans and other debt payments	\$
Alimony	\$
Child support	\$
Child care	\$
Extracurricular activities for children	\$
Education (children)	\$
Education (self)	\$
Health care insurance	\$
Health care expenses (excluding insurance listed above)	\$
Other insurance (describe)	\$
Entertainment	\$
Laundry and dry cleaning	\$
Donations	\$
Gifts	\$
Union and other dues	\$
Garnishment or income withholding order	\$
Retirement deposits (including pensions, 401(k), IRA, etc.)	\$
Other (describe)	\$

Monthly expense	Current Amount
Other (describe)	\$
Total monthly expenses	\$

9. **Business Interests** (Add additional sheets if needed.)

☐ I have no business interests.

☐ I have the following business interests.

Business name			
Address & phone			
Nature of business			
Current value of the business \$	Percent owned by _____% Petitioner _____% Respondent		

Business name			
Address & phone			
Nature of business			
Current value of the business \$	Percent owned by _____% Petitioner _____% Respondent		

10. **Financial Assets** (Add additional sheets if needed.)

☐ I have no financial assets.

☐ I have the following financial assets.

Asset	Name & address of institution	Names on account	Current balance
Bank or credit union Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$

Appendix 1: Sample Documents for Beginning a Divorce

Asset	Name & address of institution	Names on account	Current balance
Bank or credit union Account number: _____ Date opened: _____ Type: [] checking [] savings [] other			\$
Stocks, bonds, securities, money market account Account number: _____ Date opened: _____			\$
Retirement account Account number: _____ Date opened: _____			\$
Profit sharing plan Account number: _____ Date opened: _____			\$
Annuity Account number: _____ Date opened: _____			\$
Life insurance Account number: _____ Date opened: _____			\$
Money owed to me Date of loan: _____			\$
Cash			\$
Other (describe)			\$

Asset	Name & address of institution	Names on account	Current balance
Other (describe)			\$

11. **Real Estate** (Add additional sheets if needed.)

☐ I have no real estate.

☐ I have the following real estate.

Home

Address _____			
_____	_____	\$ _____	\$ _____
Date acquired	Name(s) on title	Original cost	Current value
_____		\$ _____	\$ _____
First mortgage or lien holder (name & address)		Amount owed	Monthly payments
_____		\$ _____	\$ _____
Second mortgage or lien holder (name & address)		Amount owed	Monthly payments

Other real estate

Address _____			
_____	_____	\$ _____	\$ _____
Date acquired	Name(s) on title	Original cost	Current value
_____		\$ _____	\$ _____
First mortgage or lien holder (name & address)		Amount owed	Monthly payments
_____		\$ _____	\$ _____
Second mortgage or lien holder (name & address)		Amount owed	Monthly payments

12. **Personal Property** (Such as vehicles, boats, trailers, major equipment, furniture, jewelry, and collectibles. Add additional sheets if needed.)

☐ I have no personal property.

☐ I have the following personal property.

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

13. **Debts Owed** (Do not include amounts you owe on property reported in the Real Estate or Personal Property sections. Add additional sheets if needed.)

☐ I do not owe any debts.

☐ I owe the following debts.

Type of debt (such as credit card, cash loan, or installment payment)	Debt owed to (name and address and phone number)	Names on debt	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

14. **Other**

☐ The following facts also show why I cannot pay these court fees.

I do solemnly swear or affirm that due to my poverty I am unable to bear the expenses of the action or legal proceedings which I am about to commence or the appeal which I am about to take, and that I believe I am entitled to the relief sought by the action, legal proceedings, or appeal.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

{Access the [OCAP Website](#) or [link to the Utah Fee Waiver information](#).}

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

V.

Defendant/Respondent

Order on Motion to Waive Fees

Case Number

Judge

Commissioner (domestic cases)

The matter before the court is a Motion to Waive Fees. Having reviewed the Motion to Waive Fees and Statement Supporting Motion and supporting financial evidence, and having made an independent determination,

The court orders:

1. [] **The motion is denied.** The information shows that the party is reasonably able to pay the fees.
2. [] **The motion is denied.** The party failed to provide the required information. The party may re-file the motion with the required information within 14 days.
3. [] **The motion is granted.** The following fees are waived. If the fee is waived in part, it is because the party is reasonably able to pay the balance.

Fee	Waived in Full	Waived in Part – Amount to be Paid
Filing fee	[]	
OCAP fee	[]	
Divorce education class fee	[]	
Divorce orientation class fee	[]	
Vital stats fee – divorce certificate or report of adoption	[]	
Service fee (within Utah)	[]	
Other (Describe.)	[]	

4. Any fees not waived must be paid within 30 days or the case may be dismissed.
5. This order is subject to review and amendment as long as the court has jurisdiction of the case.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

Notice to the Moving Party

If the fee waiver was denied because the judge found **you are reasonably able to pay** (paragraph 1 is marked), and you:

- have lost your source of income;
- have unaccounted expenses limiting your ability to pay;
- will suffer immediate irreparable harm if the action is delayed; or
- would lose the opportunity to file the case because of the delay,

you may file a Memorandum Demonstrating Inability to Pay Fees within 10 days of the date of this order.

If the fee waiver was denied **because you failed to provide the required information** (paragraph 2 is marked), and you want your request to be reconsidered, you must file a corrected motion with the required information within 14 days of the date of this order.

Clerk's Certificate of Service

I certify that on _____ (date) a copy of this order was served on the moving party by the method indicated below:

Mailed	Emailed	Party Name	Mail or Email Address
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

_____	Signature ►	_____
Date	Printed name of court clerk	_____

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Summons (To be served in Utah)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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The State of Utah to

_____ (party's name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.

Deadline!

Your Answer must be filed with the court and served on the other party **within 21 days** of the date you were served with this Summons.

If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.

Read the complaint/petition

The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.

Answer the complaint/petition

You must file your Answer in writing with the court **within 21 days** of the date you were served with this Summons. You can find an Answer form on the court's website (www.utcourts.gov/howto/answer/).

Serve the Answer on the other party

You must email, mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.

¡Fecha límite para contestar!

Su Respuesta debe ser presentada en el tribunal y también con la debida entrega formal a la otra parte **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio.

Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.

Lea la demanda o petición

La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.

Cómo responder a la demanda o petición

Usted debe presentar su Respuesta por escrito en el tribunal **dentro de 21 días** a partir de la fecha en que usted recibió la entrega formal del Citatorio. En la página del tribunal (www.utcourts.gov/howto/answer/) puede encontrar el formulario para la presentación de la Respuesta.

Entrega formal de la respuesta a la otra parte

Usted deberá enviar por correo electrónico, correo o entregar personalmente una copia de su Respuesta a la otra parte (o a su abogado o asistente legal, si tiene) a la dirección localizada en la esquina izquierda superior de la primera hoja del citatorio.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Cómo encontrar ayuda legal

Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet Cómo encontrar ayuda legal. Algunas maneras de hablar con un abogado son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. Estos talleres proveen información legal general y dan consejo legal breve. También hay ayuda legal a precios de descuento.

A Simplified Chinese version of this document is available on the court's website.

本文件的简体中文版可在法院网站上找到：

www.utcourts.gov/howto/filing/summons/docs/1015GE_Summons_In_State_Chinese.pdf

A Vietnamese version of this document is available on the court's website:

Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa:

www.utcourts.gov/howto/filing/summons/docs/1015GE_Summons_In_State_Vietnamese.pdf

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ► _____
Date	Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ► _____
Date	Printed Name _____

	Check your email. You will receive information and documents at this email address.
Name	
Address	
City, State, Zip	
Phone	
Email	

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner v. Defendant/Respondent	Proof of Completed Service (Utah Rule of Civil Procedure 4) <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
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1. The following documents were served by the method described below (Choose all that apply.):
- ☐ Summons (File or attach copy.)
 - ☐ Complaint or Petition
 - ☐ Amended Complaint or Petition
 - ☐ Notice of Divorce Education Requirements
 - ☐ Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions
 - ☐ Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions
 - ☐ Parenting Plan
 - ☐ Other: _____ (describe)

Complete paragraph 2, or paragraphs 3 and 4.

Service by Mail

(Service by mail requires a signed receipt. Attach the receipt.)

2. ☐ I served the following person by sending a copy of the documents listed in Paragraph (1) by mail or commercial courier service to:

Name of Addressee

Address

City, State, Zip

I have attached a signed receipt proving delivery. It was signed by:

- ☐ the addressee personally.
- ☐ someone authorized by appointment or by law to receive service of process on behalf of the addressee.

Service by Third Person

3. ☐ I am over the age of 18, and
- I am not a party or an attorney for a party to this action.
 - I have not been convicted of a felony violation of a sex offense (Listed in Utah Code 77-41-102(16)).
 - I am not a respondent in a protective order proceeding (Utah Code 78B-7-101 et seq.).
4. ☐ On _____ (date), I went to _____

_____ (address),
and I delivered the documents listed in paragraph 1 to

_____ (name),
who is (Check one.):
- ☐ the named defendant/respondent.
- ☐ the named plaintiff/petitioner.
- ☐ a person of suitable age and discretion residing at that address, which is the named party's residence. (Describe why the person lives at the named party's residence and why they are of suitable age and discretion.)

-
-
- ☐ an agent authorized by appointment or by law to receive service of process on behalf of the named party.

If serving a corporation, partnership, or an unincorporated association

- ☐ an officer, a managing agent, general agent.

OR

- ☐ an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the named party, if the agent is one authorized by statute to receive process and the statute so requires.

If serving a city or town

- ☐ the city/town recorder.

If serving a county

- ☐ the county clerk.

If serving the state

- ☐ the attorney general, and to _____ (name
of any other person or agency required by statute to be served) at
_____ (address).

If serving a department or agency of the state

- ☐ a member of named party's governing board, executive employee or secretary.

If the document was served in some other way

- ☐ Other (Describe how the document was served.)
-
-

Person Completing Service

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Proof of Completed Service on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

[{Utah Service of Process information & forms}](#)

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Certificate of Service (Utah Rule of Civil Procedure 5)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

I certify that I served a copy of _____ (document name), which was filed with the court on _____ (date). I delivered the document as indicated below.

Appendix 1: Sample Documents for Beginning a Divorce

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Certificate of Service on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Acceptance of Service (Utah Rule of Civil Procedure 4(d)(3))</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

1. I received and accept service of the following documents in this case (Choose all that apply.):

- ☐ Summons
- ☐ Complaint or Petition
- ☐ Amended Complaint or Petition

- ☐ Parenting Plan
- ☐ Notice of Divorce Education Requirements

☐ Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions

☐ Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions

☐ Other: _____ (describe)

2. I understand that service is effective on the date I sign this document.

3. I know I can still respond to the complaint or petition in this case.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Acceptance of Service on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

This form is only to be used if the divorce is **not contested** and both parties are in **100% agreement** about ALL details..

SIGNING THIS FORM WAIVES SOME OF THE RESPONDENT'S RIGHTS.

If use of this for IS appropriate, you are very strongly advised to **complete the document at the OCAP Website**, in preference to filling in **this form** offline.)

Name

Address

City, State, Zip

Phone

Email

IN THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY, STATE OF UTAH

_____,	*	ACCEPTANCE OF SERVICE APPEARANCE, CONSENT, AND WAIVER
Petitioner,	*	
	*	
vs.	*	
	*	
_____,	*	Case No. _____
Respondent.	*	
	*	Commissioner: _____
	*	
		Judge: _____

The Respondent, _____, being first duly sworn and under oath, affirms and states as follows:

1. I have received and read a copy of the Petitioner's Verified Divorce Petition.
2. I understand that I have the right to have a summons and the Verified Divorce Petition served upon me if I were not to sign this Acceptance of Service, Appearance, Consent, and Waiver.
3. I understand that after service I would have the right to answer the Verified Divorce Petition within the time set out in the Summons (21 days if served in the state of Utah; 30 days if served outside the state of Utah) if I were not to sign this Acceptance of Service, Appearance, Consent and Waiver.
4. I understand that I have the right to retain an attorney to consult, with me about this divorce, to review and advise me on all of the documents relating to this divorce and to otherwise

assist and represent me in this divorce.

5. I understand that there is a statutory 30-day waiting period between the date of filing of the Verified Divorce Petition and the date for the granting of a Decree of Divorce in Utah.

6. I understand the allegations in Petitioner's Verified Divorce Petition.

7. Being familiar with the requirements of the summons and the allegations in the Verified Divorce Petition and of my rights to seek legal advice of my own choosing, I voluntarily do the following:

a. I enter my appearance in this divorce action;

b. I consent to the personal jurisdiction of this court;

c. I waive the statutory time in which to answer or otherwise respond to the Verified Petition;

d. I consent that Judgment by Default may be entered against me at any time and without further notice to me in accordance with the terms of the Verified Divorce Petition;

e. I understand that Petitioner may ask the court to waive the statutory ninety day waiting period and I do not object if the waiting period is waived.

8. It is my intention in signing this Acceptance of Service, Appearance, Consent, and Waiver that a divorce be granted to Petitioner in accordance with the terms of the Verified Divorce Petition.

Date

Signature ► _____
Printed Name _____

On this date, I certify that _____ (name) who is known to me or who presented satisfactory identification, in the form of _____ (form of identification), has, while in my presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Signature ► _____
Printed name (Court Clerk or Notary Public) _____
Notary Seal

Appendix 2: Sample Protective Order Documents

Protective Order information and forms can be found at <https://www.utcourts.gov/abuse/>; **algunos documentos también son disponibles en Español.**

The [Online Court Assistance Program \(OCAP\) website](#) is the recommended method for completing protective order documents.

If you are in danger, call: 911

Call the **Domestic Violence Hotline:**

They can help you find emergency housing, medical care,
and support and advocacy for you and your children.

Call toll-free: 800-897-5465

{Access the [OCAP Website](#) or [link to the Utah Protective Order forms.](#)}

Request for Protective Order

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

1 Petitioner (person asking for protection):

First Middle Last

Address and phone # (to keep private, leave blank):

Street

City --- State --- Zip

Phone #'s: _____

What is your date of birth?: _____

Name and phone number of Petitioner's attorney (if any): _____

If you are under 16 years old, have you ever been married or emancipated by a court? ☐ Yes ☐ No

2 Respondent (person you need to be protected from):

First Middle Last

Other Names Used _____

Relationship to Petitioner: _____

Address (street): _____

City --- State --- Zip

Respondent's Employer (Name and address): _____

This is a private record.

Other people protected by this order

(relatives or people who live with you):

Name	Age	Relationship to Petitioner
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Describe Respondent

* Required. If you do not know, write unknown.

Sex*	Race*	Date of Birth*	Ht.	Wt.
_____	_____	_____	_____	_____

Eyes	Hair	Full Social Security # (if known)
_____	_____	_____

Distinguishing features (like tattoos, scars, limp, etc.) _____

Driver's license issued by (State): _____ Expires: _____

Other places to find Respondent (work, relatives, friend, hangouts, etc. – include city/state/zip on each address, if possible)	Location Type (work, relatives, friend, hangouts, etc)	Best times to find at this address	Phone number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Describe Respondent's vehicle(s):

Make	Model	Color	License Plates
_____	_____	_____	_____
_____	_____	_____	_____

Has the Respondent used weapons or been violent in the past? [☐] Yes [☐] No If yes, describe here:

Is the Respondent on probation or parole? ☐ Yes ☐ No If yes, list the name of the probation/parole agency, the officer, and the telephone number here:

3 What is your relationship to the Respondent? (Check all that apply)

- ☐ a. We are married now.

☐ b. We used to be married.
Date of Divorce: _____

☐ c. We live together as a couple.

☐ d. We used to live together as a couple.

☐ e. We are or used to be in a consensual sexual relationship.

☐ f. We live or used to live in the same home

☐ g. We are related by blood or marriage within the second degree of consanguinity (Specify relationship): _____

☐ h. We are expecting a child now.
List Due Date: _____

☐ i. We have or had a child or children together.
List below: _____

[illegible]

4 Describe the most recent abuse (if any):

- a. When did it happen? (Date): _____
- b. Where did it happen? _____
- | Street | City | State |
|---|------|-------|
| c. Did the police come? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| d. If the police came answer these questions: | | |
| What police department came? _____ | | |
| Was anyone arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If yes, who was arrested? _____ | | |
| What is the case number? _____ | | |
| Did anyone get a ticket? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| If yes, who got the ticket? _____ | | |
| e. Describe the abuse or domestic violence: _____ | | |

☐ Check here if you need more space and attach a separate sheet of paper to this form

- f. What did the other person do or say to make you afraid? _____

g. Did the other person use or threaten to use a gun or other weapon? ☐ Yes ☐ No (If yes, describe any weapons the Respondent owns and how they were used against you): _____

h. Were any children present when this happened? ☐ Yes ☐ No (If "yes," who?) _____

i. Who else was there? _____

j. Was anyone hurt? _____

k. Other facts: _____

5 Describe past abuse (if any):

a. When did it happen? (Date): _____

b. Where did it happen? _____

Street

City

State

c. Did the police come? ☐ Yes ☐ No

d. If the police came answer these questions:

What police department came? _____

Was anyone arrested? ☐ Yes ☐ No

If yes, who was arrested? _____

What is the case number? _____

Did anyone get a ticket? ☐ Yes ☐ No

If yes, who got the ticket? _____

e. Describe the past abuse or domestic violence: _____

☐ Check here if you need more space and attach a separate sheet of paper to this form

6 Describe why you think there is a substantial likelihood that the Respondent will commit domestic violence or abuse

7 Other Court Cases

a. Are you or the Respondent on probation now for domestic violence? ☐ Yes ☐ No (If Yes, who? _____)

b. Have you or the Respondent ever been involved in any other court case involving either of you or your children? ☐ Yes ☐ No (If yes, list ALL court cases below):

Appendix 2: Sample Protective Order Documents

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Court case name		Court case number	
Judge's name		County and state	
Type of case	<input type="checkbox"/> Order of protection <input type="checkbox"/> Civil litigation	<input type="checkbox"/> Juvenile court proceeding <input type="checkbox"/> Criminal case	
Person involved	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Did the judge make an order?	<input type="checkbox"/> Yes <input type="checkbox"/> No

- c. Fill out below if any child listed on the first page of this form is involved in any other court case, like adoption, juvenile, or custody, or has been investigated by the Division of Child and Family Services.

Type of Case	County and State	Court or DCFS case number (if you know it)

Please, Judge, I am asking you to:

- ☒ Order the Respondent to go to a court hearing
☒ Make temporary (ex parte) orders, and
☒ After the hearing, make permanent the protective orders I have checked below:

- 8 ☐ **Personal Conduct** Order the Respondent not to commit, try to commit or threaten to commit any form of violence against me or any person listed on the first page of this form. This

includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.

9 ☐ **No Contact** Order the Respondent not to contact, phone, mail, e-mail, or communicate with me and the people listed on the first page of this form in any way, either directly or indirectly except as allowed by the parent-time provisions of the temporary protective order.

10 ☐ **Contact for Mediation** Order that the Respondent may contact me **only** during mediation sessions for our divorce or custody case that are scheduled with a Court Qualified Mediator.

11 ☐ **Stay Away** Order the Respondent to stay away from:

☐ a. Stay at least _____ (distance) from me.

☐ b. Stay away from my

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as me.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as me.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as me.

If you work, go to the same school, or attend the same place of worship as the respondent, the court cannot order the Respondent to stay away from those places. Give information the court should consider about potential or necessary interactions with the Respondent in those settings.

☐ c. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

☐ d. Other (*specify*): _____

12 ☐ **No Guns or Weapons** – Order the Respondent not to use, possess, have, or buy a gun or firearm or any of these weapons: _____

13 ☐ **Property Control** – Order that only I can use, control and possess the following:

☐ a. Home at (*address*): _____

☐ b. Car, truck or other essential personal belongings (*describe*): _____

Orders 14-21 can last up to 150 days after the hearing. If you want them to last longer, explain why on a separate sheet of paper and attach it to this form.

14 ☐ **Property Control** Order the Respondent

☐ Not to interfere with or change my phone, utility or other services.

☐ To maintain existing wireless phone contracts or accounts.

15 ☐ **Transfer Wireless Phone Number(s)** Order the Respondent and the wireless service provider to transfer my current wireless phone number(s) to a new account of my choice.

- The Respondent is the account holder for the following wireless phone number(s): _____

- The number(s) are assigned to phones that are primarily used by me, or by people who will live with me while the protective order is in effect.
- I will have full financial responsibility for each wireless phone number, beginning on the day of transfer. This includes monthly service costs and costs for any mobile device associated with the wireless phone number(s).
- A wireless service provider may apply standard requirements for account establishment to me when transferring financial responsibility.

16 ☐ **Child Custody & Parent-time Orders**

Give temporary custody of these minor children I have with the respondent to

☐ me

☐ _____ (name of person other than the Respondent): _____

Give the Respondent parent-time as follows: _____

If you asked for a No Contact Order above, who can communicate only parent-time information to the Respondent? (Name): _____

- 17 ☐ **No Alcohol or Drugs** Order the Respondent not to use alcohol or illegal drugs before or during visitation.
- 18 ☐ **Supervised Visitation** Provide the Respondent with supervised parent-time as follows: (list name and phone number of supervising agency or person): _____
- 19 ☐ **Travel Restrictions** Order the Respondent not to take the children listed above out of the state of Utah.
- 20 ☐ **Child Support, Spousal Support and other Expenses** -- Order the Respondent to:
- ☐ a. Pay \$ _____ / month in child support according to Utah Child Support Guidelines.
 - ☐ b. Pay \$ _____ / month in spousal support.
 - ☐ c. Pay child support by withholding from the Respondent's earnings. (*Utah Code 62A-11, Parts 4 and 5*)
 - ☐ d. Pay 50% of the minor children's childcare expenses.
 - ☐ e. Pay 50% of the minor children's medical expenses, including premiums, deductibles and co-payments.
 - ☐ f. Pay \$ _____ for the minor children's medical expenses related to the abuse and \$ _____ for my medical expenses related to the abuse.
- 21 ☐ **Other Assistance Needed** (*List below any other orders needed to protect you and other protected people listed on page 1 of this form*): _____
- _____
- _____

I also ask for these Orders to Agencies:

- 22 ☐ **Law Enforcement to Assist** Order a law enforcement officer from: _____ to enforce the orders checked below:
- ☐ a. Help me gain and keep control of home, car or other personal belongings.
 - ☐ b. Help me obtain custody of the children.
 - ☐ c. Help the ☐ Respondent or ☐ me remove essential personal belongings from the home.
- 23 ☐ **Investigate Possible Child Abuse** Refer this matter to the Division of Child and Family Services for review and possible investigation of child abuse.
- 24 ☐ **Guardian for your children** Appoint an attorney to speak for the best interests of the children in this case.

The Petitioner must read and sign below:

I swear that:

- I am the Petitioner and I have read this Request for Protective Order.
- **I understand it is a serious crime to lie to get a Protective Order.** If I lie, I can be charged with a felony, punishable by up to 5 years in prison.
- I believe I have the right to the protective orders I have asked for in this Request.
- I am not using this Request to harass the Respondent or to abuse the judicial process.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

{Access the [OCAP Website](#) or [link to the Utah Protective Order forms.](#)}

Temporary Protective Order

Ex Parte Order

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Petitioner (*protected person*):

Commissioner: _____

First Name Middle Last

Address and phone # (*to keep private, leave blank*):

Street

City --- State --- Zip

Phone #

Petitioner's date of birth: _____

Petitioner's attorney (if any): _____ Phone # _____

Other people protected by this order

Name	Age	Relationship to Petitioner
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Respondent

(*person Petitioner is protected from*):

First Name Middle Last

Other Names Used

Relationship to Petitioner: _____

Address (*street*): _____

City --- State --- Zip

Describe Respondent

Sex	Race	Date of Birth	Ht.	Wt.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Eyes	Hair	Social Security #
_____	_____	_____
_____	_____	_____
_____	_____	_____

(only the last 4 numbers)

Distinguishing features (*like scars, tattoos, limp, etc.*)

Driver's license issued by (*State*): _____ Expires: _____

Warning! ☐ Weapon involved (Box to be initialed by Court, if applicable)

Findings: The Court finds there is reason to believe: it has jurisdiction over the parties and this case, the Respondent and Petitioner are cohabitants, the Respondent will be served notice of his/her opportunity to be heard at the scheduled hearing, and the Respondent has abused or committed domestic violence against Petitioner, or that there is a substantial likelihood that Respondent immediately threatens Petitioner's physical safety.

The Court orders the Respondent to obey all orders initialed on this form and to not abuse, or threaten to abuse, anyone protected by this order.

☐ **You must not have any contact with the Petitioner.**

<p>(The court fills out this section)</p> <p>This order lasts until the hearing on:</p> <p>_____</p> <p><i>Month – Day – Year</i></p> <p>Or later, if the Court extends time for service.</p>

Warnings to the Respondent:

- This is a court order. No one except the court can change it. You can tell your side when you go to court. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!** (See item 5.)
Violence Against Women Act of 1994, 18 U.S.C. Sect 2265, 2262, 18 U.S.C. Sect 922(g)(8)

To: (Respondent's name): _____

Go to the court hearing on the date listed below. If you do not go to the hearing, the judge can make orders without hearing your side.

Date: _____ **Time:** _____ ☐ a.m. ☐ p.m. **Judicial Officer:** _____

Address: _____ **Room:** _____

Obey all orders initialed by the judge.

Violation of orders 1–6 below is a criminal Class A Misdemeanor, punishable by up to one year in jail and a fine. A second or subsequent violation can result in more severe penalties.

- 1 ☐ **Personal Conduct Order** Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- 2 ☐ **No Contact Order** Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.

3 ☐ **Contact for Mediation** You are allowed to have contact with the Petitioner **only** during court mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.

4 ☐ **Stay Away Order**

☐ a. Stay at least _____ (distance) from the Petitioner.

☐ b. Stay away from Petitioner's

Home: _____ (address)

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ c. Must comply with the following restrictions while at Respondent's and Petitioner's

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ d. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent ☐ does ☐ does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent ☐ does ☐ does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent ☐ does ☐ does not attend the same place of worship as the people listed on the first page of this form.

- ☐ e. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

- ☐ f. Other (*specify*): _____

- 5 ☐ **No Guns or Other Weapons** The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _____

***Warning!** If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.*

- 6 ☐ **Property Orders** Until the hearing, only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

- ☐ a. Home at (*address*):

- ☐ b. Car, truck or other property (*describe*):

If you violate orders 7 – 14, you will be in contempt of court and may be punished.

- 7 ☐ **Property Orders**

☐ You cannot interfere with or change Petitioner's phone, utility or other services.

☐ You must maintain Petitioner's existing wireless phone contracts or accounts.

8 ☐ Transfer Wireless Phone Number(s)

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

9 ☐ Proof of Income You and Petitioner must bring the following proof of income to the hearing: pay stubs or employer statements for this year, and complete tax returns for the most recent year.

10 ☐ Child Custody & Parent-time Orders

☐ The Petitioner (the person asking for protection)

☐ _____ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child's school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court's help (such as an order to show cause for contempt): _____

☐ You will have parent-time as follows: _____

If there is a "No Contact" order, you can communicate with the Petitioner or the person with custody only about parent-time matters through: _____

11 ☐ No Parent Time No parent time is allowed until the scheduled hearing.

12 ☐ No Alcohol or Illegal Drugs Do not use alcohol or illegal drugs before or during visitation.

13 ☐ No Travel with Children Do not take the children listed above out of the state of Utah.

14 ☐ Other Orders (List below): _____

Orders to Agencies

15 ☐ Law Enforcement to Assist A law enforcement officer from: _____ will enforce the orders checked below:

☐ a. Help the Petitioner gain and keep control over home, car or other personal belongings.

☐ b. Help the Petitioner obtain custody of the children.

☐ c. Help the ☐ Respondent or ☐ Petitioner remove essential personal belongings from the home.

"Essential personal belongings" means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person's name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go to the home or other protected places without the officer. Law enforcement can evict you or keep you away from protected places, if needed.

16 ☐

Investigate Possible Child Abuse

This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

17 ☐

Guardian for your children

The court appoints an attorney to speak for the best interests of the children in this case.

Notice to the Petitioner: The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

Date: _____ Time: _____ ☐ a.m. ☐ p.m. _____

Judge (printed name) _____

Interpretation. If you do not speak or understand English, contact the court at least 3 days before the hearing, and an interpreter will be provided.

Interpretación. Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Disability Accommodation. If you have a disability requiring accommodation, including an ASL interpreter, contact the court at least 3 days before the hearing.

Atención en caso de incapacidades. Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

{Access the [OCAP Website](#) or [link to the Utah Protective Order forms.](#)}

Protective Order

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

Petitioner (*protected person*):

First Name Middle Last

Address and phone # (*to keep private, leave blank*):

Street

City --- State --- Zip

Phone #

Petitioner's date of birth: _____

Petitioner's attorney (if any): _____ Phone # _____

Other people protected by this order

Name	Age	Relationship to Petitioner
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Respondent

(*person Petitioner is protected from*):

First Name Middle Last

Other Names Used _____

Relationship to Petitioner: _____

Address (*street*): _____

City --- State --- Zip

Describe Respondent

Sex	Race	Date of Birth	Ht.	Wt.
_____	_____	_____	_____	_____

Eyes	Hair	Social Security #
_____	_____	_____

(only the last 4 numbers)

Distinguishing features (*like scars, tattoos, limp, etc.*) _____

Driver's license issued by (*State*): _____ Expires: _____

Phone Number: _____

Warning! ☐ Weapon involved (*Box to be initialed by Court, if applicable*)

There was a hearing on (*date*): _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

☐ Petitioner ☐ Petitioner's attorney (*name*): _____

☐ Respondent ☐ Respondent's attorney (*name*): _____

☐ Other (*name*) _____

The Court reviewed the *Request for Protective Order* and ☐ received argument and evidence, ☐ accepted the stipulation of the parties, ☐ entered the default of the Respondent for failure to appear, finds that domestic violence or abuse has occurred or there is substantial likelihood of abuse or domestic violence by the Respondent, ☐ finds that a minor child witnessed the abuse or domestic violence, and makes the orders initialed below.

☐ Mutual Protective Order.

Petitioner is also the Respondent or Defendant to a Protective Order, Child Protective Order, or Ex Parte Child Protective Order.

☐ There is abuse or domestic violence by the Respondent that was not in self defense.

☐ This court entered the order against Petitioner, or

☐ this court has determined it would be impractical for the original court to consider the matter or has conferred with the original court.

The Court orders the Respondent to obey all orders initialed on this form and to not abuse or threaten to abuse anyone protected by this order.

Orders 1-6 expire _____ (date)

Warnings:

- This is a court order. No one except the court can change it. If you do not obey this order, you can be arrested, fined, and face other charges.
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- **No guns or firearms!** (See paragraph 5.)

Violence Against Women Act of 1994, 18 U.S.C. Sec. 2265, 2262, 18 U.S.C. 922(g)(8)

The Respondent must obey all orders initialed by the judicial officer.

If you do not obey orders 1 – 6 below, the court can send you to jail for up to 1 year and order you to pay a fine. A second or subsequent violation can result in more severe penalties.

- ☐ **Personal Conduct Order** -- Do not commit, try to commit or threaten to commit any form of violence against the Petitioner or any person listed on the first page of this form. This includes stalking, harassing, threatening, physically hurting, or causing any other form of abuse.
- ☐ **No Contact Order** -- Do not contact, phone, mail, e-mail, or communicate in any way with the Petitioner and the people listed on the first page of this order either directly or indirectly except as allowed by the parent-time provisions of this order.
- ☐ **Contact during Mediation** -- You are allowed to have contact with the Petitioner **only** during mediation sessions for your divorce or custody case that are scheduled with a Court Qualified Mediator.

4 [] Stay Away Order

[] a. Stay at least _____ (distance) from the Petitioner.

[] b. Stay away from Petitioner's

Home: _____ (address)

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

[] c. Must comply with the following restrictions while at Respondent's and Petitioner's

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

[] d. Stay away from the people listed on the first page of this form at their:

Home: _____ (address)

Work : _____ (address)

The respondent [] does [] does not work at the same place as the people listed on the first page of this form.

School: _____ (address)

The respondent [] does [] does not go to the same school as the people listed on the first page of this form.

Place of worship: _____ (address)

The respondent [] does [] does not attend the same place of worship as the people listed on the first page of this form.

[] e. Must comply with the following restrictions while at Respondent's and the people listed on the first page of this form's:

Work : _____ (address)

School: _____ (address)

Place of worship: _____ (address)

☐ f. Other (specify): _____

5 ☐ **No Guns or Other Weapons** -- The Court finds that your use or possession of a weapon poses a serious threat of harm to the Petitioner. You cannot possess, have, or buy a gun or firearm or any of these weapons: _____

Warning! If a final protective order is issued against you after the hearing, you will then become subject to the federal law making it a crime to possess, transport, ship or receive any firearm or ammunition, including a hunting weapon.

6 ☐ **Property Orders** -- Until further court order, Only the Petitioner can use, control and possess the following property and things, but cannot dispose of this property without court approval:

☐ a. Home at (address): _____

☐ b. Car, truck or other property (describe): _____

You must obey orders 7 – 13 initialed by the judge. If you do not, you will be in contempt of court and may be punished. These orders will ☐ expire ☐ be reviewed by the court in ____ days.

7 ☐ **Property Orders**

☐ You cannot interfere with or change Petitioner's phone, utility or other services.

☐ You must maintain Petitioner's existing wireless phone contracts or accounts.

8 ☐ **Transfer Wireless Phone Number(s)**

You must transfer the Petitioner's current wireless phone number(s) to a new account of their choice.

The court will issue a separate order to the wireless service provider to transfer Petitioner's wireless phone number(s) to a new account.

9 ☐ **Child Custody & Parent-time Orders –**

☐ The Petitioner (the person asking for protection)

☐ _____ (name)

will have temporary custody of the minor children of the parties listed below. The person with custody may give a copy of this order to the principal or director of the child's school or daycare. If you do not obey the custody and parent-time orders listed here, the person with custody may ask for the court's help (such as an order to show cause for contempt):

You will have parent-time as follows:

If there is a "No Contact" order, you can communicate with the Petitioner or person with custody only about parent-time matters through:

10 ☐ No Alcohol or Illegal Drugs -- Do not use alcohol or illegal drugs before or during visitation.

11 ☐ No Travel with Children -- Do not take the children listed above out of Utah.

12 ☐ Child Support, Spousal Support and other Expenses -- The Respondent will:

- ☐ a. Pay \$ _____ / month in child support.
- ☐ b. Have child support withheld from the Respondent's earnings. (*Utah Code 62A-11, Parts 4 and 5*)
- ☐ c. Pay \$ _____ / month in spousal support.
- ☐ d. Pay 50% of the minor children's childcare expenses.
- ☐ e. Pay 50% of the minor children's medical expenses, including premiums, deductibles and co-payments.
- ☐ f. Pay \$ _____ for the minor children's medical expenses related to the abuse and
\$ _____ for the Petitioner's medical expenses related to the abuse.

13 ☐ Other Assistance Needed (*List below any other orders needed to protect you and other protected people listed on page 1 of this form*): _____

Orders to Agencies

14 ☐ Law Enforcement to Assist A law enforcement officer from: _____ will enforce the orders checked below:

- ☐ a. Help the Petitioner gain and keep control over home, car or other personal belongings.
- ☐ b. Help the Petitioner obtain custody of the children.
- ☐ c. Help the ☐ Respondent or ☐ Petitioner remove essential personal belongings from the home.

“Essential personal belongings” means daily use items, such as clothing, medications, jewelry, toiletries, financial or personal records solely in one person’s name, or items needed to work at a job or go to school.

Warning to the Respondent: Do not go into the home or other protected places without the officer.. Law enforcement can evict you or keep you away from protected places, if needed.

- 15 ☐ **Investigate Possible Child Abuse --** This matter will be referred to the Division of Child and Family Services for review and possible investigation of child abuse.

NOTICE TO PETITIONER: The court may amend or dismiss a protective order after one year if it finds that the basis for the issuance of the protective order no longer exists and the petitioner has repeatedly acted in contravention of the protective order provisions to intentionally or knowingly induce the respondent to violate the protective order, demonstrating to the court that the petitioner no longer has a reasonable fear of the respondent.

In 2 years, the Respondent may ask the Court to dismiss the orders on this page. If that happens, we will need your address so the Court can give you notice. If your address changes, you must let the Court know at least 30 days before the 2-year period ends on _____ (date) .

This Order will expire automatically, usually 10 years after the date entered. The Petitioner can file a motion to extend the Order before it expires.

If you receive services from the Office of Recovery Services (ORS) and want to keep your address confidential, you must give ORS a copy of your current Protective Order.

Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C. Sec. 2265, this order is valid in all the United States, the District of Columbia, tribal lands, and United States territories. This order complies with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

— The Court fills out below —

Judge or commissioner's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

— The Respondent fills out below —

By signing here, the Respondent approves the form, and accepts service of this Protective Order and waives the right to be personally served.

Respondent's Address

_____	_____	_____	_____
Street	City	State	Zip

Respondent's Signature _____

{Access the [OCAP Website](#) or [link to the Utah Protective Order forms.](#)}

Notice of Hearing

On Request for Protective Order



Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Commissioner: _____

Petitioner *(person who asked for the protective order):*

This is a private record.

First

Middle

Last

Respondent *(person Petitioner asked to be protected from):*

First

Middle

Last

NOTE: Use this form if there is a temporary order. Use the alternative form if no temporary order exists.

To the Respondent *(Name):* _____



Go to the court hearing on the date listed below. The Court will make a decision on the Petitioner's *Request for Protective Order*. If you do not go to the hearing, the Court can make orders without hearing your side. You may have an attorney present at the hearing.

Date: _____ Time: _____ ☐ a.m. ☐ p.m. Judicial Officer: _____

Address: _____ Room: _____

Signed on: _____



District Court Clerk

Disability and Interpreter Services Assistive listening systems, sign language and oral language interpreter services are available at no charge in protective order proceedings. Contact the clerk's office at least 5 days before your hearing.

{Access the [OCAP Website](#) or [link to the Utah Protective Order forms.](#)}

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Order to Wireless Service Provider to Transfer Phone Number(s)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

The matter before the court is Petitioner's Request for Protective order.

The court finds:

1. _____ (respondent) is the account holder of the following wireless phone number(s):

2. These phone number(s) are used primarily by the Petitioner.
3. Petitioner has asked that these number(s) be transferred to them.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

4. The Petitioner's request to transfer the wireless phone number(s) is
[] granted [] denied.
5. [] _____ (wireless service provider) shall transfer the rights to, billing responsibility for and these wireless phone number(s)

from _____ (respondent)
to _____ (petitioner).
Petitioner is responsible for the account from the date of transfer.
6. [] The provider must comply with this order within four business days upon receipt of this order, unless they are unable to comply for the reasons stated in Utah Code 77-36-5.3.

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ► _____
Date	Commissioner _____
_____	Signature ► _____
Date	Judge _____

Appendix 3: Sample Temporary Order Documents

Sample Temporary Order Documents

Information about Temporary Orders and sample forms for filing are available at:

https://www.utcourts.gov/howto/family/Temporary_Order/. Temporary Orders are used to govern issues such as child custody, parent time and support, alimony, property distribution, attorney fees and other matters during divorce or parentage proceedings. Parties must follow a temporary order until it is changed or until there is a final order (judgment) in the case.

Motions (Requests) for a Temporary Order may be filed together with or after the paperwork for the Petition for Divorce. Temporary Orders require justification and are not automatic. For the temporary order to govern joint legal or physical custody, the paperwork must include a Parenting Plan (see Appendix 1). If the temporary order is intended to govern any financial payments, such as alimony, child support or attorney fees, the Financial Declaration (Appendix 7) and the appropriate Child Support Worksheets (Appendix 13) must also be included.

The website also includes forms for cases when children are not involved, as well as for filing objections.

{Access the [OCAP Website](#) or [link to the Utah Temporary Order forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Motion for Temporary Order – With Children

☐ **Hearing Requested**

Case Number

Judge

Commissioner

I ask the court to enter temporary orders in the paragraphs I have marked below.

1. ☐ **Minor children**

The petitioner and the respondent are the parents of the following minor children:
(Add additional pages if needed.)

Child's name (first, middle and last)	Child's gender	Month and year of birth
Example: Jennie Eliza Jones	Female	January 2017

The minor children have lived at the addresses listed below and with the persons listed below for the past five years: (Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child
Example: Jennie Jones	123 Maple St Mayberry, UT 84444	5/15/15 to present	Jane Doe, John Jones	Mother, maternal grandfather

2. [] Child custody

All orders involving minor children will include two types of custody: physical custody and legal custody.

Physical custody deals with where the children live and how many overnights the children spend with each parent.

Sole physical custody means that the children live primarily with one parent and have parent time (visitation) with the other parent (see parent-time options in Section 3).

Joint physical custody means that the children typically spend at least 30% of overnights with both parents each year and that both parents contribute to the expenses of the child in addition to paying child support.

Split physical custody means that where there is more than one child, each parent is awarded sole physical custody of at least one of the children.

Legal custody deals with access to information and decision making.

Sole legal custody means that one parent has the right to make important decisions about the child.

Joint legal custody means that both parents: (1) have the right to information about the child (events, appointments, access to school and medical records, etc.); and (2) that both parents discuss and make major decisions together – (education, religion, medical, extra-curricular activities, etc.) but designate a parent to make the final decision if they cannot agree.

I ask the court to order temporary custody below (Choose one. If you ask for any joint legal custody or joint physical custody arrangement, you must file or attach a Parenting Plan based on Utah Code 30-3-10.7 to 30-3-10.10.):

☐ Custody arrangement: (Add additional pages if needed.)

Child's name	Month and year of birth	Order physical custody to	Order legal custody to
Example: Jennie Jones	January 2013	<input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input checked="" type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

I ask the court to order the custody arrangement I have marked above because:

3. ☐ **Parent-time**

I ask the court to order temporary parent-time below (Choose one.):

☐ Statutory parent-time schedule: (Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

I ask the court to order the parent-time schedule I chose above because:

4. ☐ **Parent-time transfers**

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time described below (Choose one.):

☐ Order transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Order transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other transfer arrangements (Describe in detail.):

I ask the court to order the transfer arrangement I chose above because:

5. ☐ **Communication between parties**

I ask the court to order communication between the parties as described below
(Choose as many options as you want.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the

minor children if anyone harms or threatens harm to the other parent or minor children.

6. ☐ **Child support**

I ask the court to order child support based on the parties' incomes or estimate of income based on ability or work history.

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

- ☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

- ☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

_____.

- ☐ The court should consider respondent's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

- ☐ Respondent does receive or has received public assistance.

- c. Order ☐ petitioner ☐ respondent to pay \$_____ per month for child support. The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

☐ This amount is **not** based on the Uniform Child Support Guidelines and I am asking for a different amount because (Choose one.):

☐ the guidelines are unjust.

☐ the guidelines are inappropriate.

☐ the guidelines amount is not in the best interest of the child/ren.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

_____.

d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

OR

☐ The child support is effective as of this date: _____.

e. Child support will be paid as follows (Choose one.):

☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

f. I ask that child support payments be made (Choose one.):

☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

g. Child support not paid on or before the due date is delinquent on the day after the due date.

h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

7. ☐ **Child care expenses**

I ask the court to order that both parties share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other request for child care payment:

8. ☐ **Health insurance, medical and dental expenses**

Our minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP
- ☐ Other: _____
- ☐ Not covered by insurance

- ☐ I ask the court to order that ☐ petitioner ☐ respondent maintain health insurance for our minor children. Both parties must share equally:
 - a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
 - b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification will reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

I ask for this order because (Choose all that apply.):

- ☐ the insurance is available to ☐ petitioner ☐ respondent;

- ☐ the cost of the insurance is reasonable
- ☐ the custodial parent prefers this arrangement.
- ☐ Other reasons:

- ☐ I ask for these additional orders regarding health insurance and medical and dental expenses:

9. ☐ **Tax exemptions for dependent children**

I ask the court to order tax exemptions for the minor children for tax year _____, as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

10. ☐ **Payment of bills and debts**

I ask the court to order payment of bills and debts (such as mortgage, rent, credit card, utilities, medical expenses, car payments, insurance, etc.) as follows (File or attach Financial Declaration. Add additional pages if needed.):

☐ Petitioner to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent to pay:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

The bills and debts should be paid as requested because:

11. ☐ **Property**

I ask the court to order the temporary use and possession of the following property (File or attach Financial Declaration. File or attach additional pages if needed.):

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ I ask the court to order that neither party sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

I ask for this property order because:

12. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

I am unable to meet my own financial needs, and I ask the court to order temporary alimony as follows (File or attach Financial Declaration.):

☐ petitioner ☐ respondent shall pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:
(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

☐ Petitioner ☐ Respondent needs temporary alimony because :

☐ Petitioner ☐ Respondent has the financial ability to pay temporary alimony because:

13. ☐ **Attorney fees**

I ask the court to order the other party to pay \$_____ to my attorney. (You can only ask for this if you are paying an attorney to represent you in this case. You must file or attach a Financial Declaration.)

I ask for attorney fees because:

14. ☐ **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

15. **Documents**

I have filed or attached the following documents in support of this Motion for Temporary Order (Check all that apply. Forms can be found at www.utcourts.gov):

☐ Parenting Plan (Utah Code 30-3-10.7 to 30-3-10.10)

- ☐ Parent time Schedule (Utah Code 30-3-35; 30-3-35.5; 30-3-35.1)
- ☐ Child Support Obligation Worksheet (Utah Code 78B-12)
- ☐ Financial Declaration (Utah Rule of Civil Procedure 26.1)
- ☐ Income verification (Most recent tax return and pay stub)
- ☐ Other supporting documents: _____

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Temporary Order – With Children on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Temporary Order forms.](#)}

<p>_____ Name</p> <p>_____ Address</p> <p>_____ City, State, Zip</p> <p>_____ Phone</p> <p>_____ Email</p> <p>I am <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent <input type="checkbox"/> Plaintiff/Petitioner's Attorney <input type="checkbox"/> Defendant/Respondent's Attorney (Utah Bar #: _____) <input type="checkbox"/> Plaintiff/Petitioner's Licensed Paralegal Practitioner <input type="checkbox"/> Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)</p>	<p>Check your email. You will receive information and documents at this email address.</p>
---	---

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Request to Submit for Decision (Utah Rule of Civil Procedure 7)</p> <p><input type="checkbox"/> Hearing Requested</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

1. The Motion to _____ (name of motion) was filed on _____ (date).
2. A memorandum opposing the motion
☐ was not filed ☐ was filed on _____ (date).
3. A reply memorandum supporting the motion
☐ was not filed ☐ was filed on _____ (date).

4. A stipulation
[] was not filed [] was filed on _____ (date).
5. A hearing
[] has been requested [] has not been requested.
6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Request to Submit on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Temporary Order forms.](#)}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Notice of Hearing
Aviso de Audiencia

Case Number

Judge

Commissioner (domestic cases)

To:

Petitioner Name

Respondent Name

The court has scheduled a hearing about _____
(title of motion or subject of hearing) at the following location, date, and time.

El tribunal ha programado una audiencia sobre _____
(título de la moción o tema de la audiencia) en la fecha y hora que sigue.

Courthouse Address (Dirección del tribunal):

Date (Fecha): _____ Time (Hora): _____ [] a.m. [] p.m.

Room (Sala): _____

Judge or Commissioner (Juez o Comisionado): _____

Attendance

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Evidence

Bring with you any evidence that you want the court to consider.

Interpretation

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

ADA Accommodation

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretación

Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

Adaptación o Arreglo en Caso de Discapacidad

Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/index-sp.html) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

A Simplified Chinese version of this document is available on the court's website

本文件的简体中文版可在法院网站上找到：

www.utcourts.gov/howto/filing/motions/docs/1111GE_Notice_of_Hearing_Chinese.pdf

A Vietnamese version of this document is available on the court's website:

Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa:

www.utcourts.gov/howto/filing/motions/docs/1111GE_Notice_of_Hearing_Vitenamese.pdf

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Hearing on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Temporary Order forms.](#)}

☐ This is a private record

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Stipulation to Motion to</p> <p>_____ (name of motion)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	---

- I have received and read the Motion to _____
(name of motion) and its supporting documents. I fully understand the claims and the requested order.
- I understand that I have the right to challenge the claims and to have a judge decide the issues.
- I voluntarily stipulate (agree) that the court may grant the order requested in the motion at any time and without further notice.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Stipulation to Motion on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Temporary Order forms.](#)}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Order on Motion for Temporary Order – With Children</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

The matter before the court is a Motion for Temporary Order. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ petitioner ☐ respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

- ☐ was ☐ was not present
- ☐ was represented by _____

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

The court orders:

1. ☐ **Child custody**

☐ Custody arrangement:

Child's name	Month and year of birth	Physical custody to	Legal custody to
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint physical	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Joint legal

☐ Other custody arrangement (Describe in detail.):

2. ☐ **Parent-time** (Choose one.):

☐ Statutory parent-time schedule:

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

☐ Parent-time described in the filed or attached Parenting Plan.

☐ Other parent-time schedule: (Describe in detail.)

3. ☐ **Parent-time transfers** (Choose one.):

☐ Transfer of the children for parent-time described in the filed or attached Parenting Plan.

☐ Transfer at **beginning** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

☐ petitioner

☐ respondent

☐ other adult (Name) _____

transferring the children at this address:

☐ **Curbside transfers** (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ **Other transfer arrangements** (Describe in detail.):

4. ☐ **Communication between parties** (Choose all that apply.):

☐ In person

☐ Phone

Petitioner's # _____ Respondent's # _____

☐ Text

Petitioner's # _____ Respondent's # _____

☐ Email

Petitioner's email address _____

Respondent's email address _____

☐ Through a third party

Name _____ Phone # _____

☐ Other method of communication: (Describe in detail.)

☐ Communications between the parties must be civil and respectful and limited to parent-time issues only.

☐ The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

☐ The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

☐ The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

5. ☐ **Child support**

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).
- ☐ Petitioner's income is imputed based on
- ☐ minimum wage.
- ☐ historical earnings.
- ☐ Petitioner does receive or has received public assistance.
- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).
- ☐ Respondent's income is imputed based on
- ☐ minimum wage.
- ☐ historical earnings.
- ☐ Respondent does receive or has received public assistance.
- c. ☐ Petitioner ☐ Respondent must pay \$_____ per month for child support. The following child support worksheet is attached (Choose one.):
- ☐ sole physical custody worksheet
- ☐ joint physical custody worksheet
- ☐ split custody worksheet
- (Choose one.)
- ☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).
- ☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the minor children based on:
- ☐ the standard of living and situation of the parties.
- ☐ the relative wealth and income of the parties.
- ☐ the ability of the obligor to earn.
- ☐ the ability of the obligee to earn.
- ☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.

- ☐ the needs of the obligee, the obligor, and the child.
- ☐ the ages of the parties.
- ☐ the responsibilities of the obligor and the obligee for the support of others.
- ☐ other. (Describe.):

The reason for the deviated child support amount is:

_____.

d. Effective date (Choose one.):

- ☐ The child support will be effective upon entry of this order.

OR

- ☐ The child support will be effective as of this date: _____.

e. Child support must be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services.
Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

- ☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

f. Child support payments must be made (Choose one.):

- ☐ One-half on or before the 5th day of each month, and one-half on or before the 20th day of each month.

OR

☐ Other payment arrangement:

- g. Child support not paid on or before the due date is delinquent on the day after the due date.
- h. Child support arrearages will be determined by further judicial or administrative process. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to child support arrearages.

6. ☐ **Child care expenses**

Both parties must share equally the reasonable child care expenses related to the custodial parent's work or occupational training.

The parent who pays child care expenses must **immediately** provide to the other parent written verification of the cost of the child care expenses and the identity of the child care provider when hired, within 30 calendar days after a change in the provider or the expense, and anytime upon the request of the other parent.

If the parent who pays child care expenses fails to provide written verification of child care above, that parent may be denied the right to recover or receive credit for the other parent's one-half share of the child care expense.

The other parent must begin paying one-half the child care amount on a monthly basis **immediately** after receiving proof from the parent that pays the child care expense.

☐ Other order for child care payment:

7. ☐ **Health insurance, medical and dental expenses**

The minor children currently have health insurance coverage through:

- ☐ Petitioner's insurance
- ☐ Respondent's insurance
- ☐ Medicaid
- ☐ CHIP

☐ Other: _____

☐ Not covered by insurance

☐ ☐ Petitioner ☐ Respondent must maintain health insurance for the minor children if it is available to that parent at a reasonable cost. Both parties must share equally:

- a. the cost of the premium paid by a parent for the children's portion of the insurance. The children's portion of the premium will be calculated by dividing the premium amount by the number of people covered by the policy and multiplying the result by the number of minor children of the parties; and
- b. all reasonable and necessary uninsured medical and dental expenses incurred for the children and paid by a parent, including deductibles and co-payments.

The parent ordered to maintain insurance must provide written verification of coverage to the other parent or the Office of Recovery Services when the children are first enrolled, on or before January 2nd of each calendar year and upon any change of insurance carrier, premium, or benefits within 30 calendar days after the date that parent knew or should have known of the change.

If the parent ordered to maintain insurance fails to provide written verification of coverage to the other parent or to the Office of Recovery Services, or if the parent incurring medical expenses fails to provide written verification of the cost and payment of the expenses to the other parent **within 30 days of payment**, that parent may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses.

The parent receiving written verification must reimburse the parent who incurred the medical or dental expenses one-half of the amount **within 30 days after receiving the written verification**.

8. ☐ **Tax exemptions for dependent children**

Tax exemptions for the minor children for tax year _____ is ordered as follows:

Child's name	Month and year of birth	Parent who may claim exemption
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent
		<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent

☐ Other: _____

9. ☐ **Payment of bills and debts**

☐ Petitioner must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

☐ Respondent must make at least minimum payments on:

Type of debt	Name of creditor	Last 4 digits of account no.	Total amount owed	Monthly amount owed
			\$	\$
			\$	\$
			\$	\$

10. ☐ **Property**

Temporary use and possession of property will be as follows:

☐ To petitioner

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ To respondent

☐ Residence (Address): _____

☐ Vehicle(s) (Make/model/year): _____

☐ Personal property items:

☐ Other: _____

☐ Neither party may sell, transfer or dispose of any property without a court order or written agreement signed by both parties.

11. ☐ **Temporary alimony** (Divorce cases only. (Utah Code 30-3-5(8)).)

☐ Petitioner ☐ Respondent must pay to ☐ petitioner ☐ respondent temporary alimony in the amount of \$ _____ per month by:

(Choose one.):

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

12. ☐ **Attorney fees**

☐ Petitioner ☐ Respondent must pay \$ _____ to

☐ Petitioner's attorney

☐ Respondent's attorney

13. ☐ **Other orders**

Appendix 3: Sample Temporary Order Documents

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Commissioner	_____
_____	Signature ►	_____
Date	Judge	_____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner, Attorney or Licensed Paralegal Practitioner	_____
_____	Signature ►	_____
Date	Respondent, Attorney or Licensed Paralegal Practitioner	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion for Temporary Order – With Children on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Appendix 4: Sample Waiting Period Waiver Documents

{Access the [OCAP Website](#) or [link to the Utah Waiting Period Waiver forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

NOTE: this form should be submitted together with the Request to Submit for Decision available to download from the link above (example on page A3-18).

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Motion to Waive 30-day Divorce Waiting Period

(Utah Code 30-3-18 and Utah Rule of Civil
Procedure 105)

Case Number

Judge

Commissioner

1. The divorce petition was filed on _____ (date).
2. I ask the court to waive the 30-day divorce waiting period because of these extraordinary circumstances:

-
-
3. [] The other party has signed a Stipulation to the divorce, which has been filed with the court.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Waive 30-day Divorce Waiting Period on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Waiting Period Waiver forms.](#)}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Order on Motion to Waive 30-day
Divorce Waiting Period**

Case Number

Judge

Commissioner

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Waive 30-day Divorce Waiting Period. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ petitioner ☐ respondent.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

The court finds:

1. ☐ 30 days have passed since the case was filed, or
 ☐ Extraordinary circumstances have been shown
 ☐ Extraordinary circumstances have not been shown.

The court orders:

2. The Motion to Waive Divorce Waiting Period is
 ☐ no longer relevant because 30 days have passed
 ☐ granted
 ☐ denied

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Order on Motion to Waive 30-day Divorce Waiting Period on the following people.			
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Appendix 5: Sample Divorce Education and Orientation Course Requirements Waiver Forms

{Access the [OCAP Website](#) or [link to the Utah Divorce Education Waiver forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Notice of Education Requirements (Utah Code 30-3-11.3 and 30-3-11.4, and Code of Judicial Administration Rule 4-907)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

To:

Respondent's Name

You are required to attend the following course(s):

- ☐ an orientation course (parents of minor children; divorce or temporary separation)
- ☐ an education course (parents of minor children; divorce only)

Divorce cases

(Utah Code 30-3-11.3 and 30-3-11.4)

- Petitioner must attend the orientation and education courses within 60 days after filing the Petition for Divorce.
- Respondent must attend the orientation and education courses within 30 days after receiving this notice.

Temporary separation cases

(Utah Code 30-3-4.5 and 30-3-11.4)

- Petitioner must attend the orientation course within 60 days after filing the Petition for Temporary Separation.
- Respondent must attend the orientation course within 45 days after receiving this notice.

Course information

Course information is available on the court's website:

www.utcourts.gov/specproj/dived/, or call 801-238-7181 (en español 801-238-7180).

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Education Requirements on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Divorce Education Waiver forms.](#)}

This is a private record

Name

Address

City, State, Zip

Phone

Email

NOTE: this form should be submitted together with the Request to Submit for Decision available to download from the link above (example on page A3-18).

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner	Motion to Waive Education Requirements (Utah Code 30-3-4)
v.	Case Number _____
Respondent	Judge _____
	Commissioner _____

1. I ask the court to waive the following education requirements.

☐ Orientation course for:

☐ petitioner.

☐ respondent.

☐ Education course for:

☐ petitioner.

☐ respondent.

2. The course(s) is/are not necessary, appropriate, feasible, or in the best interest of the parties because:

3. ☐ I am attaching the following documents to support my motion.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Motion to Waive Education Requirements on the following people.			
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Utah Divorce Education Waiver forms.](#)}

Name	
Address	
City, State, Zip	
Phone	
Email	

Check your email. You will receive information and documents at this email address.

In the District Court of Utah _____ Judicial District _____ County Court Address _____															
<table border="0" style="width: 100%;"> <tr> <td style="border-bottom: 1px solid black; height: 40px;"></td> <td style="border-bottom: 1px solid black; height: 40px;"></td> </tr> <tr> <td>Petitioner</td> <td>Case Number</td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 40px; vertical-align: top;">v.</td> <td style="border-bottom: 1px solid black; height: 40px;"></td> </tr> <tr> <td>Judge</td> <td></td> </tr> <tr> <td style="border-bottom: 1px solid black; height: 40px;"></td> <td style="border-bottom: 1px solid black; height: 40px;"></td> </tr> <tr> <td>Respondent</td> <td>Commissioner</td> </tr> </table>			Petitioner	Case Number	v.		Judge				Respondent	Commissioner	<table border="0" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center; padding: 10px;"> Order on Motion to Waive Education Requirements </td> </tr> </table>	Order on Motion to Waive Education Requirements	
Petitioner	Case Number														
v.															
Judge															
Respondent	Commissioner														
Order on Motion to Waive Education Requirements															

The matter before the court is ☐ petitioner's ☐ respondent's Motion to Waive Education Requirements. Having considered the documents filed with the court, and now being fully informed,

The court finds:

1. Course completion
☐ is ☐ is not
 necessary, appropriate, feasible, or in the best interest of the parties because:

The court orders:

2. ☐ The orientation course is:

☐ waived ☐ not waived for petitioner.

☐ waived ☐ not waived for respondent.

☐ waived with the following conditions:

3. ☐ The education course is:

☐ waived ☐ not waived for petitioner.

☐ waived ☐ not waived for respondent.

☐ waived with the following conditions:

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion to Waive Education Requirements on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

Appendix 6: Sample Stipulation

(See <https://www.utcourts.gov/howto/divorce> for general information.)

Sample Stipulation (NOT from utcourts.gov)

Name
Address
City, State, Zip
Phone
Email

NOTE: a stipulation is a document that saves the Court time and resources by listing the items about which both parties completely agree. Possible examples: identifying children, shared residence &/or real property, employment information, and mutually agreed divorce settlement issues. A stipulation is required and sets a baseline for the Court to build on. Any issues of disagreement must be excluded. Because the agreed-upon issues differ for every couple, there is NO standard form for the stipulation. BOTH parties must sign the stipulation, which is a formal agreement. Issues included in the stipulation cannot be contested later. You are encouraged to [use OCAP](#) or the services of a licensed legal professional (Lawyer or Paralegal).

In the _____ District Court of Utah
_____ Judicial District _____ County
Court Address _____

	STIPULATION
Plaintiff/Petitioner	
V.	Case Number
Defendant/Respondent	Commissioner (or Judge)

The parties agree as follows.

- Respondent hereby withdraws his/her answer to the Verified Complaint for Divorce and allows judgment to be entered by default, in accordance with this stipulation.
- Petitioner has been an actual and bono fide resident of _____ County, State of Utah, for at least three months immediately prior to the filing of this action.

4. The parties are wife and husband, having been married on

_____,

in _____, State of Utah.

5. The parties maintained their marital domicile and/or the acts giving rise to this action occurred in the County of _____, State of Utah.

Petitioner should be granted a divorce from Respondent on the ground of irreconcilable differences because the parties have been unable to resolve their marital problems, making continuation of their marriage impossible.

6. The parties have _____ minor child(ren) namely:

_____, born _____,

_____, born _____.

7. The parties' minor child(ren) has/have resided in the State of Utah for at least six (6) months immediately prior to the filing of this action.

8. The parties' minor child(ren) currently live(s) with Petitioner and Petitioner has been the child(ren)'s primary caretaker and is a fit and proper parent. Therefore, it is in the best interest of the parties' minor child(ren) that Petitioner be awarded permanent sole care, custody and control of the minor child(ren).

9. Respondent should be awarded rights of parent-time with the parties' minor child(ren) as follows: _____.

10. Pick up and return of the parties' minor child(ren) should occur at Petitioner's residence.

11. Respondent should be responsible for all costs associated with visiting the parties' minor child(ren).

12. Respondent should be permanently restrained from removing the parties' minor child(ren) from Petitioner's state of residence without the Petitioner's notarized,

written consent, or by court order. If Respondent does remove the child(ren), an immediate pick-up order should be issued.

13. Each party should be permanently restrained from saying and/or doing anything derogatory against the other in the presence of the parties' minor child(ren).
14. Petitioner should be entitled to claim the parties' minor child(ren) as a dependent (dependents) for tax purposes.
15. Public assistance has/has not been received from the State of Utah for the parties' minor child(ren).
16. Petitioner has a gross monthly income of \$_____, is/is not under court order to pay child support; does/does not pay alimony to any ex-spouse; contributes \$_____ toward monthly premiums for health, hospital, and dental care insurance on the parties' minor child(ren); and pays \$_____ as work-related child care costs.
17. Respondent has a gross monthly income of \$_____; is/is not under order to pay child support; does/does not pay alimony to any ex-spouse; contributes \$_____ toward monthly premiums for health, hospital, and dental care insurance on the parties' minor child(ren) and pays \$_____ as work-related child care costs.
18. Respondent's base child support obligation should be set at \$_____ per month, beginning _____, pursuant to the "Uniform Civil Liability for Support Act." (A "Child Support Obligation Worksheet" is attached and incorporated by reference herein.)
 - a. Respondent should pay child support, other than any court-ordered child care costs, in two equal installments on or before the 5th and 20th of each month to the Utah State Office of Recovery Services (P.O. Box 45011, Salt Lake City, Utah 84145-0011), unless the Office of Recovery Services notifies Respondent that payments should be sent elsewhere.

- b. Respondent's income should be subject to immediate and automatic income withholding as of the effective date of the order, regardless of whether a delinquency exists.
 - c. Each party should keep the Office of Recovery Services informed of changes in his or her address, employment, and income.
19. Each party should pay half of all reasonable and necessary health, optical, hospital, dental, and other medical expenses of the parties' minor child(ren) including, but not limited to: out-of-pocket costs actually paid by either parent for the minor child(ren)'s portion of health, optical, hospital, dental, and other medical insurance coverage and all reasonable and necessary uninsured health, optical, hospital, dental, and other medical expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by either parent.
- a. _____ should maintain health, optical, hospital, dental, and other medical insurance on the parties' minor child(ren) if coverage is or becomes available at a reasonable cost.
 - b. _____ should provide proper verification of health, optical, hospital, dental, and other medical insurance coverage to _____ and the Office of Recovery Services if requested, upon initial enrollment of the dependent child(ren), and thereafter on or before January 2nd of each calendar year. Furthermore, _____ should notify _____ and the Office of Recovery Services, if requested, of any change of insurance carrier, premium, or benefits within thirty (30) days of the date he/she first knew or should have known of the change. If such verification is not provided to the Office of Recovery Services, no credit should be given by the Office of Recovery Services.

- c. Either parent who incurs health, optical, hospital, dental, and other medical expenses for the parties' minor child(ren) should provide written verification of the costs and payment of such health, optical, hospital, dental, or other medical expenses to the other parent within thirty (30) days of payment.
- 20. Each party should be responsible and liable for one-half of the reasonable child care costs actually incurred each month as a result of Petitioner's schooling and/or work. Petitioner should provide documentation for reimbursement within thirty (30) days. Respondent's portion of these child care costs should be paid directly to Petitioner by the 5th of each month.
 - a. Petitioner should provide written verification of the cost and identity of the child care provider to Respondent.
 - b. Petitioner should notify Respondent of any change in the child care provider or the monthly child care expenses within thirty (30) calendar days from the date of the change.
- 21. A cash payment of alimony, in the following amount (\$_____), should be awarded to Petitioner in this matter.
- 22. Petitioner should be ordered to pay and assume only the following debt(s): _____ . Petitioner should hold Respondent harmless from any liability on these debts.
- 23. Respondent should be ordered to pay and assume all other debts incurred during the parties' marriage, but prior to their separation, including but not limited to the following: _____. Respondent should hold Petitioner harmless from any liability on these debts.
- 24. Each party should be ordered to pay and assume their own debts incurred after the parties' separation on or about _____. Each party should hold the other harmless from any liability on these debts.

25. The parties acquired personal property during the marriage and it should be divided and awarded as follows:

- a. To Petitioner: _____
_____.
- b. To Respondent: _____
_____.
- c. All remaining personal property should be awarded as currently held by each party.

26. The parties do not own an interest in real property. (Or, During the marriage, the parties acquired real property located at _____. This real property is presently owned by _____ and _____. The legal description of the property is _____. The parties' real property, and its debt and equity, should be awarded to Petitioner. Petitioner should hold Respondent harmless from any mortgages, liens, taxes, encumbrances, and any other liabilities on this real property.)

27. The parties are expecting an income tax refund for the tax year _____. Any tax refund should be awarded to Petitioner.

28. Neither party has pensions, profit sharing, and/or retirement benefits which accrued during the parties' marriage. (Or, _____ has pension, profit sharing, or retirement benefits which should be divided as follows _____.)

29. Respondent should be permanently restrained from bothering, harassing, annoying, threatening, and/or harming Petitioner at any time or in in any place.

30. Petitioner's (or Respondent's) name should be changed to _____.

31. Respondent should be responsible and liable for all service fees and court costs incurred as a result of this action.

32. Each party should be responsible for his or her own attorney's fees.

33. Each party should be ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

_____	Petitioner ►	_____
Date	Typed or Printed Name	_____
	Attorney for Petitioner	_____

_____, being first duly sworn, deposes and states:
he/she is the Petitioner in the above-entitled action; he/she has read the foregoing stipulation and agrees to its contents.

_____	Sign here ►	_____
Date	Typed or Printed Name	_____

Subscribed and sworn to before me this ____ day of _____.

NOTARY PUBLIC

Petitioner's Address: _____

_____.

Appendix 6: Sample Stipulation

Date
Respondent ► _____
Typed or Printed Name _____
Attorney for Respondent _____

_____, being first duly sworn, deposes and states:
he/she is the Respondent in the above-entitled action; he/she has read the foregoing
stipulation and agrees to its contents.

Date
Sign here ► _____
Typed or Printed Name _____

Subscribed and sworn to before me this _____ day of _____.

NOTARY PUBLIC

Respondent's Address: _____

_____.

Appendix 7: Sample Documents for Ending a Divorce Case

The information and forms for this section are found on two pages at the Utah Courts website:

https://www.utcourts.gov/howto/filing/default_judgment/

https://www.utcourts.gov/howto/family/financial_declaration/

NOTE: Most of these examples assume that the Petitioner's Spouse has been properly notified of the divorce filings and any scheduled hearings and has failed to respond. Default decrees are not allowed in cases when both parties are actively involved in the proceedings.

There are specific rules for how cases are managed when one party is on active duty with any branch of the military. Those forms and the others included on the following pages should be downloaded from the [court website](#) if available. Completion of forms via [OCAP](#) is always the preferred method whenever possible

{Access the [OCAP Website](#) or [download the OCAP form.](#)}

Name

Address

City, State, Zip

Phone

Email

IN THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY, STATE OF UTAH

_____ (court address)

Petitioner,

vs.

Respondent.

* **RESPONDENT'S DECLARATION**
* **OF MILITARY SERVICE**
* **(Not in Military)**
*

* Case No. _____
*

* Commissioner: _____
*

* Judge: _____
*

I, _____, state that I am not in the military
service.

I declare under criminal penalty of Utah Code Section 78B-5-705 that the information in this document is true and correct. I understand that for knowingly making a false statement, I can be fined as provided in Title 19, United States Code, or imprisoned for not more than one year, or both.

Date _____ Sign here: _____

Printed Name: _____

CERTIFICATE OF MAILING/DELIVERY

On _____ (date) I mailed a copy of the Respondent's Declaration of Military Service, to the other party at (other party's address):

Respondent's Signature

{Access the [OCAP Website](#) or [link to the Default Judgment forms](#).}

Name _____

Address

City, State, Zip

Phone _____

Check your email. You will receive information and documents at this email address.

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my Utah Bar
number is _____

In the [] District [] Justice Court of Utah

____ Judicial District _____ County

Court Address _____

	Military Service Declaration
Plaintiff/Petitioner	Case Number
v.	Judge
Defendant/Respondent	Commissioner

I say as follows:

- (1) The clerk of court has issued a Certificate showing the default of the:
- ☐ Plaintiff/Petitioner
- ☐ Defendant/Respondent

(2)(A) ☐ I am unable to determine the military status of the defaulting party.

OR

(B) ☐ The defaulting party (check one):

☐ is in military service.

☐ is not in military service.

(3) ☐ I have done the following research to support the above conclusion.

(4)(A) ☐ (A certificate from the Department of Defense Manpower Data Center is the preferred evidence of the defaulting party's military service status. Check this box only if you have attached that certificate.)

I visited the Department of Defense Manpower Data Center website (<https://scra.dmdc.osd.mil/scra/#/single-record>) and entered the following information for the defaulting party, which I know to be correct:

Name	Social Security Number (Last 4 digits only)	Date of Birth

(4)(B) ☐ I know the identifying information is correct because:

(5) ☐ I do not know and am unable to discover the defaulting party's date of birth or social security number.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Military Service Declaration on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Default Judgment forms.](#)}

In the <input type="checkbox"/> District <input type="checkbox"/> Justice Court of Utah _____ Judicial District _____ County Court Address _____	
_____ Plaintiff/Petitioner v. _____ Defendant/Respondent	Military Service Order _____ Case Number _____ Judge _____ Commissioner

The Court, having reviewed the Proof of Service and Military Service Declaration and being fully informed, pursuant to the Servicemembers Civil Relief Act, finds and orders:

- (1) The clerk of the court has entered the default of the
 - ☐ Plaintiff/Petitioner
 - ☐ Defendant/Respondent

- (2) ☐ The Military Service Declaration shows that the defaulting party is not in military service.

- (3) ☐ The Military Service Declaration shows that the appearing party does not know the military service status of the defaulting party. The appearing party:
 - ☐ does not need to file a bond;
 OR
 - ☐ must file a bond in the amount of \$_____.

- (4) ☐ The Military Service Declaration shows the defaulting party is in military service. The court vacates the default certificate and appoints an attorney to be determined to represent the non-appearing party. The action is stayed for 120 days from this date.

- (5) ☐ The Military Service Declaration is insufficient.

Appendix 7: Sample Documents for Ending a Divorce Case

Judge's signature may instead appear at the top of the first page of this document.

_____	Signature ►	_____
Date	Judge	_____

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Military Service Order on the following people.			
Person's Name	Service Method	Service Address	Service Date
(Any Party not in Default or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Default Judgment forms.](#)}

☐ This is a private record.

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my Utah Bar
number is _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

	Motion for Default Certificate
_____ Plaintiff/Petitioner	_____ Case Number
v.	_____ Judge
_____ Defendant/Respondent	_____ Commissioner (domestic cases)

- (1) The Summons and Complaint/Petition were served on _____
(date) and Proof of Service has been filed or is attached.
- (2) The time in which to file an Answer has passed, and the
☐ Plaintiff/Petitioner
☐ Defendant/Respondent
has not answered or otherwise appeared.
- (3) Under Utah Rule of Civil Procedure 55, I move that the clerk of court enter the
default of the

☐ Plaintiff/Petitioner
☐ Defendant/Respondent
and issue a Default Certificate.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Default Certificate on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Default Judgment forms.](#)}

In the <input type="checkbox"/> District <input type="checkbox"/> Justice Court of Utah	
_____ Judicial District _____ County	
Court Address _____	
<hr/> Plaintiff/Petitioner v. Defendant/Respondent	Default Certificate <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)

- (1) The Summons and Complaint/Petition were served on _____
(date) and Proof of Service has been filed.
- (2) The time in which to file an Answer has passed, and the
☐ Plaintiff/Petitioner
☐ Defendant/Respondent
has not answered or otherwise appeared.
- (3) Under Utah Rule of Civil Procedure 55, I hereby enter the default of the
☐ Plaintiff/Petitioner
☐ Defendant/Respondent
and issue this Default Certificate.

_____	Signature ► _____
Date	Court Clerk _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Default Certificate on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Default Judgment forms.](#)}

☐ This is a private record.

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my Utah Bar
number is _____

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Motion for Default Judgment	
_____ Plaintiff/Petitioner	_____ Case Number
v.	_____ Judge
_____ Defendant/Respondent	_____ Commissioner (domestic cases)

- (1) The Summons and Complaint/Petition were served on _____
(date) and Proof of Service has been filed.
- (2) The time in which to file an Answer has passed, and the
☐ Plaintiff/Petitioner
☐ Defendant/Respondent
has not answered or otherwise appeared.
- (3) Under Utah Rule of Civil Procedure 55, the clerk of court has entered the default
of the

☐ Plaintiff/Petitioner

☐ Defendant/Respondent

and issued a Default Certificate.

(4) I am entitled to judgment as a matter of law.

(5) I move that the court enter judgment as requested in the Complaint/Petition.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion for Default Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [download the OCAP form.](#)}

Name

Address

City, State, Zip

Phone

Email

IN THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY, STATE OF UTAH

(court address)

_____,	*	Affidavit of Jurisdiction and Grounds
Petitioner,	*	for Divorce
	*	
vs.	*	Case No. _____
	*	
_____,	*	Commissioner: _____
Respondent.	*	
	*	Judge: _____
	*	

1. My name is _____.
2. ☐ Petitioner ☐ Respondent was a resident of _____ County for at least three months immediately preceding the filing of the divorce petition on _____ (date).
3. ☐ Petitioner ☐ Respondent and I were married on _____ (date), in _____ (county, state), and are presently married.
4. We separated on _____ (date).
5. During my marriage to ☐ Petitioner ☐ Respondent, irreconcilable differences developed. The irreconcilable differences are (describe):

6. All attempts to reconcile have failed. I do not feel this marriage can continue.
7. To the best of my knowledge the Findings of Fact and Conclusions of Law and Decree of Divorce conform to the original divorce petition.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

CERTIFICATE OF DELIVERY

On _____ (date) I mailed a copy of this Affidavit of Jurisdiction and Grounds to
(Other party's address):

Signature ► _____

{Access the [OCAP Website](#) or [link to the Financial Disclosure forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Notice of Disclosure Requirements
in Domestic Relations Cases**
(Utah Rule of Civil Procedure 26.1)

Case Number

Judge

Commissioner

To: _____
(Respondent Name or Name of Joined Party)

1. Because you are involved in one of these cases:

- divorce
- temporary separation
- separate maintenance
- parentage
- child custody
- child support
- domestic order modification

You must give to the petitioner ("disclose") the following documents:

- **Initial Disclosures.** (The court-approved Initial Disclosures form is available at www.utcourts.gov.)
 - **Financial Declaration and required attachments.** (The court-approved Financial Declaration form is available at www.utcourts.gov.)
 - Documents verifying the amounts for every item listed in the Financial Declaration (excluding monthly expenses).
 - Federal and state income **tax returns** for the **past two tax years** before the petition in this case was filed. If you don't have these, contact the IRS or the State Tax Commission.
 - **Pay stubs** and other evidence of income for the **past 12 months**.
 - All loan applications and financial statements from the 12 months before the petition was filed.
 - Documents verifying the value of all real estate in which you have an interest. This includes the most recent appraisal, tax valuation, and refinance documents.
 - All statements for the 3 months before the petition was filed for all financial accounts. This includes checking, savings, money market funds, certificates of deposit, brokerage, investment, and retirement.
 - If you do not have some of the above documents, you may estimate the amounts. You must explain on the Financial Declaration how you chose the estimated amount and why the documents are not available.
2. You must send the completed Initial Disclosures form, the Financial Declaration, and all required attachments to the petitioner within:
- 42 days after filing of the first answer, or
 - 28 days after your appearance in this case, whichever is later.
- The petitioner must send their completed Initial Disclosures form, the Financial Declaration, and all required attachments to you within 14 days after service of your first answer to the petition.
3. If you do not disclose all assets and income in the Financial Declaration and attachments, you may be subject to sanctions. (Utah Rule of Civil Procedure 37). Sanctions may include awarding assets to the other party, requiring you to pay the other party's attorney's fees, or other sanctions decided by the court.

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Disclosure Requirements in Domestic Relations Cases on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Financial Disclosure forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>v.</p> <p>_____</p> <p>Respondent</p>	<p>Financial Declaration (Utah Rule of Civil Procedure 26.1)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	--

You must fully and accurately disclose all assets and income in this document and provide attachments. If you fail to disclose all assets and income, you could be subject to sanctions under Utah Rule of Civil Procedure 37. Sanctions can include an award of non-disclosed assets to the other party, attorney's fees or other sanctions.

1. I am providing this form to the other party and (Choose one.):

☐ **I am not filing the Financial Declaration with the court** because a hearing about child support, spousal support, property, debts, attorney fees and court costs is not scheduled, or because the court has not ordered me to file it.

I am filing the separate Certificate of Service of Financial Declaration.

- ☐ I am filing the **Financial Declaration with the court** because a hearing about child support, spousal support, property, debts, attorney fees and court costs is scheduled, or the court has ordered me to file it.

I am also filing the separate Certificate of Service of Financial Declaration.

2. I am attaching the following documents, if available:

Tax returns. For the two years before the petition was filed : <ul style="list-style-type: none"> • federal and state income tax returns – personal and for any entities in which I have a majority or controlling interest • all documents used to prepare the tax returns 	<input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply
Pay stubs or other proof of income. For the 12 months before the petition was filed: <ul style="list-style-type: none"> • pay stubs • other proof of all earned and un-earned income 	<input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply
Loan applications. For the 12 months before the petition was filed: <ul style="list-style-type: none"> • all loan applications • financial statements used to apply for the loans 	<input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply
Real estate documents. Documents verifying the value of all real estate in which I have an interest. This includes the most recent appraisal, tax valuation, and refinance documents.	<input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply
Financial statements. For the 3 months before the petition was filed all financial statements for all financial accounts. This includes checking, savings, money market funds, certificates of deposit, brokerage, investment, and retirement.	<input type="checkbox"/> Attached <input type="checkbox"/> Not attached <input type="checkbox"/> Doesn't apply

- ☐ I marked some documents above as “not attached” because:

Document	Reason

Document	Reason

3. **Employment** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount.)

☐ I am employed as (Choose all that apply):

☐ an hourly employee (Form W-2)

☐ a salaried employee (Form W-2)

☐ self-employed (Form 1099, Form K-1, Schedule C, etc.)

☐ other (Explain): _____

Name of employer	Employer's address and phone number	Job title	Hourly rate or annual salary	Hours per week (If hourly)
			\$	
			\$	
			\$	

☐ I am unemployed because:

☐ I have estimated the amounts in paragraph 3.

Item estimated	Basis for estimation

4. **Gross Monthly Income** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount.)

☐ I have the following monthly income before tax deductions:
(Print your pre-tax income in the boxes below. For income that changes from month to month, calculate the annual total and divide by 12 months to list a monthly average.)

Source of income	Monthly amount
Work (Including self employment, wages, salaries, commissions, bonuses, tips and overtime)	\$
Rental income	\$
Business income	\$
Interest	\$
Dividends	\$
Retirement income (Including pensions, 401(k), IRA, etc.)	\$
Worker's compensation	\$
Private disability insurance	\$
Social Security Disability Income (SSDI)	\$
Supplemental Security Income (SSI)	\$
Social Security (Other than SSDI or SSI)	\$
Unemployment benefits	\$
Education benefits (Including grants, loans, cash scholarships, etc.)	\$
Veteran's benefits	\$
Alimony	\$
Child support	\$
Payments from civil litigation	\$
Victim restitution	\$
Public assistance (Including AFDC, FEP, TANF, welfare, etc.)	\$
Financial support from household members	\$
Financial support from non-household members	\$
Trust income	\$
Annuity income	\$
Other (Describe)	\$
Other (Describe)	\$
Total gross monthly income	\$

☐ I have estimated the amounts in paragraph 4.

Item estimated	Basis for estimation

☐ I have no income because:

5. **Monthly Tax Deductions** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount.)

☐ I have no monthly tax deductions because I have no income.

☐ I have the following monthly tax deductions.

Type of tax deduction	Amount
Federal income tax	\$
State income tax	\$
Municipal income tax	\$
FICA	\$
Medicare	\$
Total monthly tax deductions	\$

☐ I have estimated the amounts in paragraph 5.

Item estimated	Basis for estimation

6. **After Tax Income**

☐ My monthly income is:

\$ _____ Gross monthly income from section 4
 - \$ _____ Minus monthly tax deductions from section 5

_____ = \$ _____ Equals after-tax monthly income

☐ I have no income.

7. **Monthly Expenses** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount. Include amounts you pay for yourself and any spouse, children or other dependents in your household.)

- ☐ No party has requested alimony so I am only completing the "Current Amount" column, which represents the amount I pay now.
- ☐ One of the parties has requested alimony so I am completing both the "Current Amount" and the "Marital Expenses" column, which represents the amount paid during the marriage prior to separation.

Monthly expense	Current Amount	Marital Expenses
Rent or mortgage	\$	\$
Real estate taxes (if not included in mortgage)	\$	\$
Real estate insurance (if not included in mortgage)	\$	\$
Real estate maintenance	\$	\$
Food and household supplies	\$	\$
Clothing	\$	\$
Automobile payments	\$	\$
Automobile insurance	\$	\$
Automobile fuel	\$	\$
Automobile maintenance	\$	\$
Other transportation costs (public transportation, parking, etc.)	\$	\$
Utilities (such as electricity, gas, water, sewer, garbage)	\$	\$
Telephone	\$	\$
Paid television, cable, satellite	\$	\$
Internet	\$	\$
Credit card payments	\$	\$
Loans and other debt payments	\$	\$
Alimony	\$	\$
Child support	\$	\$
Child care	\$	\$

Monthly expense	Current Amount	Marital Expenses
Extracurricular activities for children	\$	\$
Education (children)	\$	\$
Education (self)	\$	\$
Health care insurance	\$	\$
Health care expenses (excluding insurance listed above)	\$	\$
Other insurance (describe)	\$	\$
Entertainment	\$	\$
Laundry and dry cleaning	\$	\$
Donations	\$	\$
Gifts	\$	\$
Union and other dues	\$	\$
Garnishment or income withholding order	\$	\$
Retirement deposits (including pensions, 401(k), IRA, etc.)	\$	\$
Other (describe)	\$	\$
Other (describe)	\$	\$
Total monthly expenses	\$	\$

☐ I have estimated the amounts in paragraph 7.

Item estimated	Basis for estimation

8. **Business Interests** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount. Add additional sheets if needed.)

☐ I have no business interests.

☐ I have the following business interests.

Business name	
Address & phone	

Nature of business		
Current value of the business \$	Percent owned by _____% Petitioner _____% Respondent	

Business name		
Address & phone		
Nature of business		
Current value of the business \$	Percent owned by _____% Petitioner _____% Respondent	

☐ I have estimated the amounts in paragraph 8.

Item estimated	Basis for estimation

9. **Financial Assets** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount. Add additional sheets if needed.)

☐ I have no financial assets.

☐ I have the following financial assets.

Asset	Name & address of institution	Names on account	Current balance
Bank or credit union Account number: _____ Date opened: _____ Type: <input type="checkbox"/> checking <input type="checkbox"/> savings <input type="checkbox"/> other			\$

Asset	Name & address of institution	Names on account	Current balance
Bank or credit union Account number: _____ Date opened: _____ Type: [] checking [] savings [] other			\$
Stocks, bonds, securities, money market account Account number: _____ Date opened: _____			\$
Retirement account Account number: _____ Date opened: _____			\$
Profit sharing plan Account number: _____ Date opened: _____			\$
Annuity Account number: _____ Date opened: _____			\$
Life insurance Account number: _____ Date opened: _____			\$
Money owed to me Date of loan: _____			\$
Cash			\$
Other (describe)			\$

Asset	Name & address of institution	Names on account	Current balance
Other (describe)			\$

☐ I have estimated the amounts in paragraph 9.

Item estimated	Basis for estimation

10. **Real Estate** (You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount. Add additional sheets if needed.)

☐ I have no real estate.

☐ I have the following real estate.

Home

Address _____			
_____	_____	\$ _____	\$ _____
Date acquired	Name(s) on title	Original cost	Current value
_____		\$ _____	\$ _____
First mortgage or lien holder (name & address)		Amount owed	Monthly payments
_____		\$ _____	\$ _____
Second mortgage or lien holder (name & address)		Amount owed	Monthly payments

Other real estate

Address _____			
_____	_____	\$ _____	\$ _____
Date acquired	Name(s) on title	Original cost	Current value
_____		\$ _____	\$ _____
First mortgage or lien holder (name & address)		Amount owed	Monthly payments
_____		\$ _____	\$ _____
Second mortgage or lien holder (name & address)		Amount owed	Monthly payments

☐ I have estimated the amounts in paragraph 10.

Item estimated	Basis for estimation

11. **Personal Property** (Such as vehicles, boats, trailers, major equipment, furniture, jewelry, and collectibles. You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount. Add additional sheets if needed.)

☐ I have no personal property.

☐ I have the following personal property.

Property description (if automobile, include year, make, and model)	Debt owed to (name and address)	Names on title (if applicable)	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

☐ I have estimated the amounts in paragraph 11.

Item estimated	Basis for estimation

12. **Debts Owed** (Do not include amounts you owe on property reported in the Real Estate or Personal Property sections. You must attach proof of amounts listed. If the proof is not available, estimate the amount and explain how you reached that amount. Add additional sheets if needed.)

☐ I do not owe any debts.

☐ I owe the following debts.

Type of debt (such as credit card, cash loan, or installment payment)	Debt owed to (name and address and phone number)	Names on debt	Amount owed	Minimum monthly payments
			\$	\$

Type of debt (such as credit card, cash loan, or installment payment)	Debt owed to (name and address and phone number)	Names on debt	Amount owed	Minimum monthly payments
			\$	\$
			\$	\$
			\$	\$
			\$	\$
			\$	\$

[] I have estimated the amounts in paragraph 12.

Item estimated	Basis for estimation

Warning

If you do not fully disclose all assets and income in this document and provide attachments you could be subject to sanctions under Utah Rule of Civil Procedure 37.

Sanctions can include an award of non-disclosed assets to the other party, attorney's fees or other sanctions.

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____

Printed Name _____

{Access the [OCAP Website](#) or [link to the Financial Disclosure forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Certificate of Service of Financial Declaration (Utah Rule of Civil Procedure 26.1(d))</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

I certify that I served a copy of my Financial Declaration on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

 Date

Signature ► _____
 Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

 Date

Signature ► _____
 Printed Name _____

{Access the [OCAP Website](#) or [download the OCAP form.](#)}

Name

Address

City, State, Zip

Phone

Email

IN THE _____ JUDICIAL DISTRICT COURT
OF _____ COUNTY, STATE OF UTAH

(court address)

_____	*	Affidavit of Other Party's Earnings
Petitioner,	*	
	*	Case No. _____
	*	
vs.	*	Commissioner: _____
	*	
_____	*	Judge: _____
Respondent.	*	
	*	

(Name of person completing this form),
being first duly sworn and under oath, states as follows:

1. This affidavit is made pursuant to Utah Code § 78B-12-201(2).
2. Based upon the best evidence available, _____ (Name of person completing this form) represents that _____'s (Other party's name) gross monthly income is \$_____.
3. The evidence _____ (Name of person completing this form) relied on in making this representation is:

(must be dated and signed in front of Notary Public or Deputy Court Clerk)

_____ Sign here ► _____
Date
Typed or Printed Name _____

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in
my presence and while under oath or affirmation, voluntarily signed this document and declared that it is
true.

_____ Sign here ► _____
Date
Typed or printed name (Court Clerk or Notary
Public) _____
Notary Seal

CERTIFICATE OF MAILING/DELIVERY

On _____ (date) I mailed a copy of the Affidavit of Other Party's Earnings,
postage prepaid, to the other party at (other party's address):

Preparer's Signature

Sample (Default) Decree of Divorce (NOT from utcourts.gov)

<hr/> Name	The Petitioner (or their Attorney) will normally provide the Court with the proposed Decree of Divorce together with a document stating proposed Findings of Fact and Conclusions of Law (next example, A7-47). "If you are preparing your own document, it may include findings and conclusions only on the matters you alleged in your Complaint/Petition. If the court website has a form, use the form and follow the instructions provided in that section of the website." *link to quote* You are encouraged to use OCAP or the services of a licensed legal professional (Lawyer or Paralegal).
<hr/> Address	
<hr/> City, State, Zip	
<hr/> Phone	
<hr/> Email	

In the _____ District Court of Utah
 _____ Judicial District _____ County

Court Address _____

DECREE OF DIVORCE	
<hr/> Plaintiff/Petitioner	<hr/> Case Number
V.	
<hr/> Defendant/Respondent	<hr/> Commissioner (or Judge)

The Respondent received a copy of the Verified Complaint for Divorce and signed an Acceptance of Service, Appearance, Consent, and Waiver and has failed to appear in person or otherwise file responsive pleadings and the Court therefore enters the Respondent's Default.

The Court having found and entered its Findings of Fact and Conclusions of Law and being otherwise fully advised, it is hereby,

ORDERED, ADJUDGED, AND DECREED:

1. That the Petitioner is hereby awarded a Decree of Divorce from Respondent, such to become final upon signature and entry by the Court.

1. The parties have _____ minor child(ren) namely:
_____, born _____,
_____, born _____.

2. Petitioner is a fit and proper person and is awarded permanent sole care, custody and control of the minor child(ren).

3. Respondent is awarded rights of parent-time with the parties' minor child(ren) as follows: _____.

4. Pick up and return of the parties' minor child(ren) is to occur at Petitioner's residence.

5. Respondent is responsible for all costs associated with visiting the parties' minor child(ren).

6. Respondent is permanently restrained from removing the parties' minor child(ren) from Petitioner's state of residence without the Petitioner's notarized, written consent, or by court order. If Respondent does remove the child(ren), an immediate pick-up order shall be issued.

7. Petitioner is entitled to claim the parties' minor child(ren) as a dependent (dependents) for tax purposes.

8. Respondent is ordered to pay child support in the amount of \$_____ per month, beginning _____.

- a. Respondent is to pay child support, other than any court-ordered child care costs, in two equal installments on or before the 5th and 20th of each month to the Utah State Office of Recovery Services (P.O. Box 45011, Salt Lake City, Utah 84145-0011) ("the Office"), unless the Office notifies Respondent that payments should be sent elsewhere.
 - b. Respondent's income shall be subject to immediate and automatic income withholding as of the effective date of the order, regardless of whether a delinquency exists.
 - c. Each party should keep the Office informed of changes in his or her address, employment and income.
9. Each party share equally all reasonable and necessary health, optical, hospital, dental, and other medical expenses of the parties' minor child(ren) including, but not limited to: out-of-pocket costs actually paid by either parent for the minor child(ren)'s portion of health, optical, hospital, mental, and other medical insurance coverage and all reasonable and necessary uninsured health, optical, hospital, dental, and other medical expenses, including deductibles and co-payments, incurred for the dependent child(ren) and actually paid by either parent.
 - a. _____ is to maintain health, optical, hospital, dental, and other medical insurance on the parties' minor child(ren) if coverage is or becomes available at a reasonable cost.
 - b. _____ is to provide proper verification of health, optical, hospital, dental, and other medical insurance coverage to _____ and the Office, if requested, upon initial enrollment of the dependent child(ren), and thereafter on or before January 2nd of each calendar year. Furthermore, _____ shall notify _____ and the Office, if requested, of

any change of insurance carrier, premium, or benefits within thirty (30) days of the date he/she first knew or should have known of the change. If such verification is not provided to the Office, no credit shall be given by the Office.

- c. Either parent who incurs health, optical, hospital, dental, and other medical expenses for the parties' minor child(ren) shall provide written verification of the costs and payment of such health, optical, hospital, dental, or other medical expenses to the other parent within thirty (30) days of payment.

10. Each party should be responsible and liable for one-half of the reasonable child care costs actually incurred each month as a result of Petitioner's schooling and/or work. Petitioner shall provide documentation for reimbursement within thirty (30) days. Respondent's portion of these child care costs should be paid directly to Petitioner by the 5th of each month.

- a. Petitioner shall provide written verification of the cost and identity of the child care provider to Respondent.
- b. Petitioner shall notify Respondent of any change in the child care provider or the monthly child care expenses within thirty (30) calendar days from the date of the change.

11. A cash payment of alimony, in the following amount \$ _____, is awarded to Petitioner in this matter.

12. Petitioner is ordered to pay and assume only the following debt(s): _____.
_____. Petitioner shall hold Respondent harmless from any liability on these debts.

13. Respondent is ordered to pay and assume all other debts incurred during the parties' marriage, but prior to their separation, including but not limited to the following:

_____. Respondent shall hold Petitioner harmless from any liability on these debts.

14. Each party is ordered to pay and assume their own debts incurred after the parties' separation on or about _____. Each party shall hold the other harmless from any liability on these debts.

15. The parties personal property, acquired during the marriage, divided and awarded as follows:

- a. To Petitioner: _____
_____.
- b. To Respondent: _____
_____.
- c. All remaining personal property is awarded as currently held by each party.

16. The parties do not own an interest in real property. (Or, During the marriage, the parties acquired real property located at _____. This real property is presently owned by _____ and _____. The legal description of the property is _____. The parties' real property, and its debt and equity, is awarded to Petitioner. Petitioner shall hold Respondent harmless from any mortgages, liens, taxes, encumbrances, and any other liabilities on this real property.)

17. Any tax refund that is received for the tax year of _____ is awarded to Petitioner.

18. Neither party has pensions, profit sharing, and/or retirement benefits which accrued during the parties' marriage. (Or, _____)

has pension, profit sharing, or retirement benefits which are divided as follows

_____.)

19. Respondent is permanently restrained from bothering, harassing, annoying, threatening, and/or harming Petitioner at any time or in in any place.

20. Petitioner's (or Respondent's) name is hereby changed to

_____.

21. Respondent is responsible and liable for all service fees and court costs incurred as a result of this action.

22. Each party is responsible for his or her own attorney's fees.

23. Each party is ordered to execute and deliver to the other party any documents necessary to implement the provisions of the Decree of Divorce entered by the Court.

Sign here ►

Date

Commissioner or Judge

(Judge's signature may appear at top of first page)

Sample (Default) Finding of Fact and Conclusions of Law (NOT from utcourts.gov)

This document is usually filed together with the Decree of Divorce (see A7-41).

Name

Address

City, State, Zip

Phone

Email

In the _____ District Court of Utah
_____ Judicial District _____ County
Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>FINDINGS OF FACT AND CONCLUSIONS OF LAW</p> <p>_____ Case Number</p> <p>_____ Commissioner (or Judge)</p>
---	---

Respondent was regularly served and there is a return of service on file with the Court.
The Court found that _____ had been properly
served with _____'s Petition for a Decree of

Divorce but had failed to answer. The Court found that the time to answer had passed. The Court entered _____'s default.

The Court, having received sworn affidavits of the Petitioner, having reviewed the file in this matter and being otherwise fully advised, enters its:

FINDINGS OF FACT

CONCLUSIONS OF LAW

1. This Court has jurisdiction to issue the decree of divorce.
2. The Court concludes that all other issues of dispute have been resolved by the Court pursuant to the above Findings of Fact.

_____	Sign here ►	_____
Date		
	Commissioner or Judge	_____

(Judge's signature may appear at top of first page)

{Access the [OCAP Website](#) or [link to the Default Judgment forms.](#)}

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Request to Submit for Decision
(Utah Rule of Civil Procedure 7)

☐ **Hearing Requested**

Case Number

Judge

Commissioner (domestic cases)

1. The Motion to _____ (name of motion) was filed on _____ (date).
2. A memorandum opposing the motion
☐ was not filed ☐ was filed on _____ (date).
3. A reply memorandum supporting the motion
☐ was not filed ☐ was filed on _____ (date).

4. A stipulation
[] was not filed [] was filed on _____ (date).
5. A hearing
[] has been requested [] has not been requested.
6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Request to Submit on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Default Judgment forms](#).}

Name _____

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am the ☐ Plaintiff/Petitioner
☐ Defendant/Respondent
☐ Attorney for the ☐ Plaintiff/Petitioner ☐ Defendant/Respondent and my Utah Bar
number is _____

In the [] District [] Justice Court of Utah

Judicial District _____ County _____

Court Address

Plaintiff/Petitioner

v.

Defendant/Respondent

Notice of Judgment

Case Number

Judge

Commissioner (domestic cases)

Please take notice that the court has entered the attached judgment. You may appeal this judgment by filing a Notice of Appeal with this court within 30 days after the date the judgment was entered.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date _____

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

(See <https://www.utcourts.gov/howto/divorce/property.html> for information.
The website does not provide forms.)

Sample Notice of Entry (**NOT** from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _____ District Court of Utah
_____ Judicial District _____ County
Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>NOTICE OF ENTRY OF DECREE OF DIVORCE</p> <p>_____ Case Number</p> <p>_____ Commissioner (or Judge)</p>
---	--

TO RESPONDENT AND ALL INTERESTED PARTIES:

Please take notice that on the _____ day of _____,
a DECREE OF DIVORCE AND JUDGMENT was entered in this case, a copy of which
is attached.

Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

_____	Petitioner ►	_____
Date	Typed or Printed Name	_____
	Attorney for Petitioner	_____

Certificate of Mailing

On this _____ day of _____, a true and correct copy
of the NOTICE OF ENTRY OF DECREE OF DIVORCE was hand delivered (or mailed
with all needed postage prepaid) to _____ at

Recipient's Address: _____

_____.

Appendix 8: Sample QDRO (Qualified Domestic Relations Order)

Sample QDRO (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _____ District Court of Utah
_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>QUALIFIED DOMESTIC RELATIONS ORDER</p> <p>_____ Case Number</p> <p>_____ Commissioner (or Judge)</p>
---	--

1. _____ (“the participant”) is a participant in the
_____ retirement plan (“the plan”).

2. The participant’s social security number is _____.
His/her last known address is _____.

_____ (“the spouse”) is the former spouse of the participant. Her/his last known address is _____ and his/her social security number is _____.

3. _____ is the administrator of the plan.
4. The participant and the spouse were married on _____.
5. The participant and the spouse were divorced on _____.
6. Paragraph _____ of the Decree of Divorce awards the spouse an interest in the plan.
7. The spouse’s interest in the plan shall be calculated as follows: _____.
8. The spouse’s interest in the plan shall be payable to him/her in a manner that he/she chooses, upon:
 - a. termination of the participant’s employment;
 - b. the participant’s retirement and receipt of benefits;
 - c. the participant’s death.
9. The spouse shall have the right, upon written request, to withdraw her interest in the plan at the time that the participant becomes, or would have become, eligible to withdraw any funds from the plan.
10. The spouse shall have the right to designate the beneficiary of her interest in the plan in the event of her death.
11. The plan administrator shall not be required to provide the spouse any benefit or option not available to the participant under the plan.

12. The plan administrator shall not be required to provide increased benefits, determined by actuarial value, not available to the participant.
13. The plan administrator shall not be required to pay any benefits to the spouse which are required to be paid to another alternate payee under a prior Qualified Domestic Relations Order.
14. For the purposes of sections 72 and 402(a) of the Internal Revenue Code, the spouse shall be treated as the distributee of any distribution or payment made to her by the plan pursuant to this order.
15. Counsel for the spouse shall mail copies of this order to the plan administrator.
16. Pursuant to 29 U.S.C. 1056(d)(3)(D), the plan administrator shall promptly notify the participant, the spouse, and any other alternate payee of:
 - a. the receipt of a copy of this order by the plan administrator;
 - b. the plan's procedures for determining the qualified state of the domestic relations order;
 - c. determine whether or not this order is a qualified domestic relations order and notify the court, the participant, the spouse, and any other alternate payee;
 - d. pending the determination of whether or not this order is a qualified domestic relations order, segregate in a separate account in the plan or in an escrow account the amounts which would have been available to the spouse during such period if this order had been determined to be a qualified domestic relations order pursuant to 29 U.S.C. 1056(d)(3)(H)(i).

17. This order is intended to be a qualified domestic relations order made pursuant to the Retirement Equity Act of 1984 and its provisions shall be administered and interpreted in conformity with that act.

18. The court retains jurisdiction to amend this order as needed to establish or maintain the order's qualification as a qualified domestic relations order under the Retirement Equity Act of 1984.

	Sign here ►	
_____		_____
Date		
	Commissioner or Judge	

(Judge's signature may appear at top of first page)

Appendix 9: Sample Notice of Withdrawal

{Access the [OCAP Website](#) or [link to the Change of Counsel forms](#).}

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)

If you have used an attorney, after the Decree of Divorce becomes final, you should expect to receive a Notice of Withdrawal of Counsel unless there are other outstanding issues. This is because, in most cases, you will have hired the attorney or licensed paralegal to assist you with a specific task, and when that work is complete, your attorney-client relationship ends.

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Notice of Withdrawal of Counsel (Utah Rule of Civil Procedure 74)
_____ Plaintiff/Petitioner	_____ Case Number
V.	_____ Judge
_____ Defendant/Respondent	_____ Commissioner (domestic cases)

1. I notify the court, counsel and parties that I am withdrawing as counsel for:

Client's Name _____
Address _____
City, State, ZIP _____

2. There are no motions pending. There are no hearings scheduled. There is no trial scheduled, or there has been a substitution of counsel.
(If there are motions pending and/or there are hearings scheduled and/or there is a trial scheduled, a separate Motion to Withdraw must be filed.)

3. ☐ I entered a limited appearance on behalf of my client, and the purpose for that appearance is finished.
 (An attorney may withdraw after completing the purpose of a limited appearance even though a motion is pending or a hearing or trial has been scheduled, provided the limited appearance was not for the purpose of that motion, hearing or trial.)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Notice of Withdrawal of Counsel on the following people.			
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Change of Counsel forms](#).}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	Notice to Appear or to Appoint Counsel (Utah Rule of Civil Procedure 74)
Plaintiff/Petitioner	Case Number _____
v.	Judge _____
Defendant/Respondent	Commissioner (domestic cases) _____

1. I am notifying you that because your counsel has withdrawn from this case, you must file a Notice of Personal Appearance or Appointment of Counsel.
2. No further proceedings will be held in this case until at least 21 days after _____ (Date on which this notice is filed.).
3. A Notice of Personal Appearance or Appointment of Counsel form is attached for your convenience.

Appendix 9: Sample Notice of Withdrawal

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Notice to Appear or to Appoint Counsel on the following people.			
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

{Access the [OCAP Website](#) or [link to the Change of Counsel forms.](#)}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

☐ **Notice of Personal Appearance
OR
Notice of Counsel's or Licensed
Paralegal Practitioner's
Appearance**

Case Number

Judge

Commissioner (domestic cases)

1. _____ (name of
former attorney or licensed paralegal practitioner) has filed a Notice of Withdrawal.

(Check 2 or 3, whichever applies.)

2. ☐ I now represent myself.

OR

3. ☐ I now represent _____ (name of client).

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Notice of Personal Appearance or Notice of Counsel's Appearance on the following people.			
Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Change of Counsel forms](#).}

Name

Address

City, State, Zip

Phone

Check your email. You will receive information and documents at this email address.

Email

I am ☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Substitution of Counsel (Utah Rule of Civil Procedure 74)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

1. I notify the court, counsel and parties that I am replacing _____ (name of lawyer)
as counsel for _____ (name of client).
2. I will comply with the existing hearing schedule and deadlines.

Appendix 9: Sample Notice of Withdrawal

Date _____ Signature ► _____
Printed name of former counsel _____

Date _____ Signature ► _____
Printed name of client _____

Date _____ Signature ► _____
Printed name of new counsel _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Substitution of Counsel on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Appendix 10: Sample Enforcement Documents

Enforcing the terms of a Decree is done through an “Order to Show Cause”. Using the [OCAP](#) website to prepare the necessary documents is strongly recommended.

An explanation of the OSC procedure is at <https://www.utcourts.gov/howto/family/enforcement/>. Procedures vary between Utah Judicial Districts. Forms for each district can be found at that link. The examples on the following pages are for Judicial Districts 1–4.

{Access the [OCAP Website](#) or [link to the Domestic Order Enforcement forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Motion for Order to Show Cause	
Petitioner	Case Number
v.	Judge
Respondent	Commissioner

1. I request that the court order the other party to appear before this court to show cause why s/he should not be held in contempt for disobeying a previous order of this court. (Attach the controlling order.)
2. I request the relief described in the Statement Supporting this Motion and any other relief as may be determined by the court.
3. This motion is supported by the attached Statement Supporting Motion for Order to Show Cause.

Appendix 10: Sample Enforcement Documents

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem involved in the case. **The other party should be served by a sheriff, constable, or private investigator.**

I certify that I filed with the court and am serving a copy of this Motion for Order to Show Cause on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Office of Recovery Services, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Guardian ad Litem, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Domestic Order Enforcement forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

**Statement Supporting Motion for
Order to Show Cause**

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

1. I request that the court order the other party to appear before this court to show cause why s/he should not be held in contempt for disobeying the following controlling order. (Attach the controlling order.)

Case Name

Case Number

Title of Order

Date Signed

Name of Signing Judge

Name of Court	State
Address of Clerk of Court	Phone Number of Clerk of Court

2. The other party knew of the court's order, had the ability to follow the order, and willfully refused to do so.

3. The following amounts have not been paid as required by the controlling order. I request that the court enter judgment for these amounts. (Attach any documents supporting the amounts requested.)

☐ Past due alimony

from _____ to _____ (dates) \$ _____

☐ Past due child support

from _____ to _____ (dates) \$ _____

☐ Reimbursement of child care expenses

from _____ to _____ (dates) \$ _____

☐ Reimbursement of medical expenses

from _____ to _____ (dates) \$ _____

☐ Reimbursement of medical insurance premiums

from _____ to _____ (dates) \$ _____

☐ Reimbursement of the following debts: (Describe the debts including the amount and to whom it is owed)

\$ _____

☐ Other (Describe):

\$ _____

4. ☐ The other party has failed to pay the following debts. (Describe the debt, including the amount and to whom it is owed. Omit any debts described under Paragraph (3).)

I request that the court order the party to pay the debts and impose appropriate sanctions.

5. ☐ The other party has failed to deliver the following personal property.

I request that the court order the party to deliver the property to me and impose appropriate sanctions.

6. ☐ The other party has failed to refinance the following loan: (Describe the loan, including the amount and to whom it is owed.)

I request that the court order the party to refinance the loan and impose appropriate sanctions.

7. ☐ The other party has failed to execute a quit claim deed to the following premises:

I request that the court order the party to execute a quit claim deed and impose appropriate sanctions.

8. ☐ The other party has failed to follow the parent-time provisions of the controlling order as follows:

I request additional or make-up parent-time as follows:

9. ☐ The other party has failed to follow the custody provisions of the controlling order as follows:

I request that the court order the party to follow the custody provisions of the controlling order and impose appropriate sanctions.

10. ☐ The other party has failed to do the following: (Describe anything else the court has ordered the other party to do that has not been done.)

I request that the court order the party to do this thing and impose appropriate sanctions.

11. ☐ I have paid the following amount in fees to serve the motion and other costs, and I request reimbursement: \$_____. (Attach receipts to prove the amount you paid.)

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem is involved in the case. **The other party should be served by a sheriff or constable.**

I certify that I filed with the court and am serving a copy of this Statement Supporting Motion for Order to Show Cause on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Office of Recovery Services, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Guardian ad Litem, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Domestic Order Enforcement forms.](#)}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Order to Show Cause
Orden de Mostrar Causa

Petitioner

v.

Respondent

Case Number

Judge

Commissioner

To:

Petitioner Name

Respondent Name

Having reviewed the Motion for Order to Show Cause and the Supporting Statement, the court has scheduled a hearing at the following date and time:

Habiendo revisado la Moción para la Orden de Mostrar Causa y la declaración de respaldo, el tribunal ha programado una audiencia en la fecha y hora que sigue.

Courthouse Address (Dirección del tribunal):

Date (Fecha): _____ Time (Hora): _____ [] a.m. [] p.m.

Room (Sala): _____

Judge or Commissioner (Juez o Comisionado): _____

At which time [] petitioner [] respondent must show cause why they should not be held in contempt of court for failure to obey the controlling order in this case.

En cual momento el [] peticionario [] demandado debe mostrar causa de porque el/ella no debería ser detenido por desacato por el incumplimiento de la orden principal en este caso.

Attendance

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Evidence

Bring with you any evidence that you want the court to consider.

Interpretation

If you do not speak or understand English, the court will provide an interpreter. Contact court staff immediately to ask for an interpreter.

ADA Accommodation

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretación

Si usted no habla ni entiende el Inglés el tribunal le proveeré un intérprete. Contacte a un empleado del tribunal inmediatamente para pedir un intérprete.

Adaptación o Arreglo en Caso de Discapacidad

Si usted requiere una adaptación o arreglo, que incluye un intérprete de la lengua de signos americana, contacte a un empleado del tribunal inmediatamente para pedir una adaptación.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (www.utcourts.gov/howto/legalassist/index-sp.html/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Certificate of Service

This certificate of service is required only if the other party is represented by an attorney, or if ORS or a Guardian ad Litem is involved in the case. **The other party should be served by a sheriff or constable.**

I certify that I filed with the court and am serving a copy of this Order to Show Cause on the following people.

Person's Name	Service Method	Service Address	Service Date
(Other party's attorney, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Office of Recovery Services, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Guardian ad Litem, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Domestic Order Enforcement forms.](#)}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah _____ Judicial District _____ County Court Address _____	
_____ Petitioner v. _____ Respondent	Order on Order to Show Cause _____ Case Number _____ Judge _____ Commissioner

The matter before the court is a Motion for Order to Show Cause for failure to obey an order of this court. This matter is being resolved by: (Choose all that apply.)

- ☐ The default of ☐ Petitioner ☐ Respondent.
- ☐ The stipulation of the parties.
- ☐ The pleadings and other papers of the parties.
- ☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

- ☐ was present ☐ was not present.
- ☐ was represented by _____ (name).
- ☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds:

(1) The ☐ petitioner ☐ respondent:

☐ did ☐ did not know of the court's order;

☐ did ☐ did not have the ability to follow the order;

☐ did ☐ did not willfully fail to comply with the order.

☐ other findings:

The Court Orders:

(2) The Motion is ☐ granted ☐ denied.

☐ Judgment is entered for the following amounts and the

☐ Petitioner ☐ Respondent is ordered:

(3) ☐ to pay the following amounts:

☐ Past due alimony

from _____ to _____
(dates)

\$ _____

☐ Past due child support

from _____ to _____
(dates)

\$ _____

☐ Reimbursement of child care expenses

from _____ to _____
(dates)

\$ _____

☐ Reimbursement of medical expenses

from _____ to _____
(dates)

\$ _____

- [] Reimbursement of medical insurance premiums
from _____ to _____
(dates) \$ _____
- [] Reimbursement of the following debts: (Describe the
debts including the amount and to whom it is owed.)
\$ _____
- [] Other (Describe)
\$ _____
- (4) [] to pay the following debts: (Describe the debt, including the amount and to whom it is
owed. Omit debts described under Paragraph (3).)

- (5) [] to deliver the following personal property:

- (6) [] to refinance the following loan:

- (7) [] to execute a quit claim deed to the following premises:

- (8) [] to provide make-up parent-time as follows:

- (9) [] to do the following concerning custody of the minor children:

- (10) [] to do the following: (Describe anything else the court orders the party to do.)

(11) ☐ Contempt. (Choose all that apply.)

☐ The question of whether the ☐ Petitioner ☐ Respondent should be held in contempt for failing to follow the previous orders of the court ☐ is ☐ is not certified by the commissioner to the district court judge for further consideration.

☐ ☐ Petitioner ☐ Respondent
☐ is not in contempt.

☐ knew of the court's order, had the ability to follow the order, and willfully refused to do so. The party therefore is in contempt for failing to follow the previous orders of the court and is ordered:

☐ to pay a fine of \$_____.

☐ to serve _____ days in jail.

☐ to: (describe)

☐ can avoid the contempt sentence by doing the following: (describe)

(12) ☐ The court further orders: (describe)

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

_____ Date	Signature ► _____
	Commissioner _____
_____ Date	Signature ► _____
	Judge _____

Approved as to form.

_____	Signature ►	_____
Date	Petitioner or Attorney	_____
_____	Signature ►	_____
Date	Respondent or Attorney	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Motion for Order to Show Cause on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Domestic Order Enforcement forms](#).}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Request for Contempt Hearing

(Use **only** if a commissioner has certified the issue of contempt to be heard by a judge.)

Petitioner

Case Number

v.

Judge

Respondent

Commissioner

The court commissioner has certified the issue of contempt to the district court judge for consideration, and I request that a hearing be scheduled.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and am serving a copy of this Request for Contempt Hearing on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Appendix 11: Sample Modification Documents

There are 2 methods for requesting the modification of a Divorce Decree. The most common option is by Petition. The documents for a **Petition to Modify Child Support** are included in this Appendix. Modifications by Motion are less complicated, but also have stricter requirements and are used less often. It is very important to use the correct form for your circumstances. See

https://www.utcourts.gov/howto/family/modification/child_support/#motion-petition to determine which forms **you** should use.

See also:

https://www.utcourts.gov/howto/family/modification/child_support/

https://www.utcourts.gov/howto/family/modification/parent_time

(Note: the first document (re-)opens a case, and should be served in the same manner as the initial divorce petition.)

In general, a child support order is not modifiable for at least 3 years after it has been issued. An order can be modified by **Motion** if it has been three or more years since the order was entered **and**:

- there is a difference of **10% or more** between the support amount as ordered and the support amount as required under the guidelines; **and**
- the difference is **not temporary**; **and**
- the proposed child support amount is consistent with the guidelines.

If any of the three factors is not met, there must be grounds to make the modification (see the [website](#) for details) and it must be requested by **Petition**. Petitions to Modify will usually require additional steps to resolve, often including a hearing.

Requests to [modify custody &/or parenting time](#) must always be submitted by **Petition**.

Again, using the [OCAP](#) website to prepare the necessary documents is strongly recommended.

There is a **FREE** Child Support Calculator at <https://oroscsc.dhs.utah.gov/oroscscapp-hs/oroscscweb/> for creating the correct documents for a particular case. If neither of those options can be used, specific forms based on the existing legal and physical custody arrangement should be downloaded from https://www.utcourts.gov/howto/family/modification/child_support/ and <https://www.utcourts.gov/howto/divorce/support.html#child>. Be aware that current [financial declarations](#) as well as the child support worksheets (see Appendix 13) will be required with either a [Motion](#) or a [Petition](#).

To submit a **Motion** to modify support, follow the instructions at https://www.utcourts.gov/howto/family/modification/child_support/#motion.

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

This is a private record.

This is a Tier 2 case.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>V.</p> <p>_____ Respondent</p>	<p>Petition to Modify Child Support</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

Attach:

- Additional pages as needed to complete paragraphs that don't have enough space. Write the paragraph number on the additional page.
- Any documents referred to in this document.
- Non-Public Information Form, more fully describing any non-public information referred to in this document.
- Cover Sheet and Summons
- The controlling child support order to be modified
- Non-public Information – Parent Information and Location
- Non-public Information – Minors
- Non-public Information – Safeguarded Address (if applicable)
- Affidavit about Child Support Services
- Notice to Child Support Division of the Attorney General (if applicable)
- Child Support Worksheet

- Other attachments described in this document if they are applicable (Insurance Premium and Child Care Adjustment Worksheet, Consent to Jurisdiction, Stipulation to Enter Judgment)
- Proposed Findings of Fact, Conclusions of Law and Order Modifying Child Support (if Stipulation to Enter Judgment is also being filed)

I swear or affirm that the following is true.

(1) Controlling order. The order controlling child support is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

(2) Jurisdiction

- (A) The controlling order was entered by a court or agency in _____ (state).
- (B) The controlling order: (Check one.)
☐ has not been changed.
☐ was last changed by a court or agency in _____ (state).
- (C) If the controlling order was entered or last changed by a court or agency in another state, has it been registered and confirmed in Utah? (Applies only if the controlling order was entered or last changed by a court of another state.)
☐ Yes ☐ No ☐ Does not apply
- (D) I reside in _____ (state).
- (E) The other party resides in _____ (state).
- (F) The children reside in _____ (state).
- (G) Do petitioner and respondent consent to have the Utah district court modify the controlling order that was entered or last changed by a Utah

court? (Applies only if the controlling order was entered or last changed by a Utah court, and petitioner, respondent and the children do not reside in Utah.)

☐ Yes (Attach the consent.) ☐ No ☐ Does not apply

(H) Do petitioner and respondent consent to have the Utah district court modify the controlling order that was entered or last changed by a court of a state other than Utah? (Applies only if the controlling order was entered or last changed by a court of a state other than Utah, petitioner and respondent do not reside in Utah, and

- the children reside in Utah, or
- Utah has personal jurisdiction over at least one party.)

☐ Yes (Attach the consent and file it in the court in which the order was entered or last changed.) ☐ No ☐ Does not apply

(I) Utah can exercise personal jurisdiction over any non-resident individual in this action or the individual's guardian or conservator because:

(At least one must apply, but check all that do apply.)

☐ the individual has been personally served with notice within Utah; or

☐ the individual submits to the jurisdiction of Utah by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or

☐ the individual resided with the children in Utah; or

☐ the individual resided in Utah and provided prenatal expenses or child support; or

☐ the children reside in Utah as a result of the acts or directives of the individual; or

☐ the individual engaged in sexual intercourse in Utah and the child may have been conceived by that act of intercourse; or

☐ the individual asserted parentage in the putative father registry maintained in Utah by the state registrar of vital records in the Department of Health; or

☐ there is a basis for the exercise of personal jurisdiction consistent with the Utah Constitution and the United States Constitution.

(3) Relationship to children. I am the: (Check all that apply.)

☐ payor (person who pays child support)

☐ payee (person who receives child support);

and the

☐ mother of

☐ father of
☐ legal guardian, conservator or custodian of
the children more fully described in the attached Non-public Information Form.

SUPPORT

(Grounds (reasons) to modify child support: Paragraphs (4), through (7) are separate grounds to modify child support. At least one Paragraph must apply, but more than one might apply. Choose all that do apply. Note that some Paragraphs have conditions that are in the alternative and some conditions that are combined.)

(4) ☐ **Grounds to modify.** The controlling child support order should be modified because _____ (child's name) is emancipated.

(5) ☐ **Grounds to modify.** The controlling child support order should be modified because there has been a material change: (At least one must apply, but choose all that do apply.)

☐ in the availability, coverage, or reasonableness of cost of health care insurance of the ☐ payor ☐ payee; and/or

☐ in work-related or education-related child care expenses of the
☐ payor ☐ payee.

(6) ☐ **Grounds to modify.** The controlling child support order should be modified because: (All must apply.)

☐ it has not been modified within the last three years; and

☐ there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and

☐ the difference is not temporary.

(7) ☐ **Grounds to modify.** The controlling child support order should be modified because there has been a material change: (At least one must apply, but choose all that do apply.)

☐ in custody; or

☐ in the relative wealth or assets of the parties; or

☐ of 30% or more in the income of a parent; or

☐ in the employment potential and ability of a parent to earn; or

☐ in the medical needs of the child; or

☐ in the legal responsibilities of a parent for the support of others.

The material changes described in this Paragraph result in a difference of 15% or more between the support amount as ordered and the support amount as required under the guidelines. The difference is not temporary.

- (8) **Current support order.** The controlling order directs ☐ Petitioner ☐ Respondent to pay \$_____ each month to support our children.
- (9) **Request for change in monthly child support payment.** I request that the court order that ☐ Petitioner ☐ Respondent pay \$_____ each month to support our children.
- (10) **Child support guidelines.** The modified child support is based on our income or is imputed based on our work history. (Attach the Child Support Worksheet that you used and, if applicable, the Insurance Premium and Child Care Adjustment Worksheet.)
- (A) ☐ The requested child support amount is consistent with the guidelines.
- OR
- (B) ☐ The amount of child support requested is **not** consistent with the guidelines because complying with a provision of the guidelines or ordering an award amount resulting from use of the guidelines would be unjust, inappropriate, or not in the best interest of the child after considering: (Check all that apply.)
- ☐ the standard of living and situation of the parties;
 - ☐ the relative wealth and income of the parties;
 - ☐ the payor's ability to earn;
 - ☐ the payee's ability to earn;
 - ☐ an incapacitated adult child's ability to earn;
 - ☐ benefits received by or on behalf of an incapacitated adult child;
 - ☐ the needs of the payee, the payor, and the children;
 - ☐ the ages of the parties;
 - ☐ the responsibilities of the payor and the payee for the support of others.

CHILD SUPPORT PAYMENT

(Choose (11) if the Office of Recovery Services (ORS) is collecting child support payments.
Choose (12) if not.)

(11) ☐ Child support payment to ORS

Office of Recovery Services (ORS) is collecting child support payments. I request mandatory income withholding from the salary and wages of the Payor. Income withholding should apply to existing and future payors. Any Federal and State tax refunds or rebates due the payor should be intercepted by the State of Utah and applied to existing child support arrearages. Income withholding should apply to existing and future payors. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments should be made to the Office of Recovery Services. Child support should be due on or before the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by
☐ Petitioner ☐ Respondent.

(12) ☐ Child support payment to payee (Complete (A) and (B).)

(A) Payment schedule. ORS is not collecting child support payments. I request that child support be paid: (Choose one.)

☐ (i) one-half by the 5th day of each month and one-half by the 20th day of each month.

OR

☐ (ii) according to the following schedule:

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

I request that child support payments begin the month immediately following the entry of the order. I request that a child support payment not paid on or before the due date be considered delinquent on the next day.

(B) Payment method. I request that: (Choose one.)

☐ (i) the Payee provide to Payor the information necessary to set up direct deposit through Payor's employer. I request that upon receipt of the

information, Payor's employer establish direct deposit to an account of Payee's choice.

OR

☐ (ii) child support be paid directly to the Payee. The Payor has paid other court ordered support on time. (Attach evidence of timely payments.) Income withholding for this child support would not be in the children's best interest because:

OTHER SUPPORT REQUESTS

(13) ☐ Request for change in health insurance coverage. (Complete this section only if you are asking for a change in health insurance coverage in the controlling order.)

I request that:

(A) (Choose one or both.) ☐ Petitioner ☐ Respondent be required to maintain medical, hospital and dental care insurance for the dependent children where available at reasonable cost and the insurance coverage is accessible to the children.

(B) Both parties share equally the out-of-pocket costs of the premium paid by a parent for the children's portion of the insurance.

(C) Both parties share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent children and paid by a party.

(D) The parent who incurs medical expenses provide written verification of the cost and payment of medical expenses to the other parent within 30 days after the payment.

(E) A parent incurring medical expenses be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

(F) The parent ordered to maintain insurance provide verification of coverage to the other parent, or to the Office of Recovery Services upon initial enrollment of the dependent children, and on or before January 2 of each calendar year; and that the parent notify the other parent, or the Office of Recovery Services of any

change of insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew or should have known of the change.

(G) Other medical expense request:

(14) [] Request for change in day-care or education-related costs. (Complete this section only if you are asking to change payment of day-care or education-related costs.)

I request that:

(A) Both parties share equally all reasonable work, career, or occupational training-related child care expenses.

(B) The parent who incurs child care expenses provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.

(C) The parent who incurs child care expenses notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

(D) The parent not directly paying for child care shall begin paying their share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

(E) A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

(F) Other day-care or education expense request:

(15) [] Change in child tax exemption award. (Complete this section only if you are asking to change the award of the child tax exemption.) The controlling order awards the child tax exemption to [] Petitioner [] Respondent under the following terms:

The controlling order should be modified to award ☐ Petitioner ☐
Respondent the child tax exemption under the following terms:

The payor has no child support arrears, and the change in the award of the tax exemption will result in a tax benefit to the parent awarded the exemption.

- (16) **Child support arrears.** Child support arrears may be determined by further judicial or administrative process.
- (17) **Change in income.** Each party must notify the other within ten days of any change in monthly income.
- (18) **Other.** I request that the court enter the following other orders related to my request for modification of child support:
-
-
-

- (19) ☐ **Costs and attorney fees.** I request that the other party pay my costs and attorney fees because, without this payment, I would be unable to bring this action.
- (20) ☐ **Stipulation.** The other party has stipulated to the requested child support amount. (Attach Stipulation to Enter Judgment.)
- (21) **Remainder of order unchanged.** The remainder of the order described in Paragraph (1) should remain unchanged.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Summons (To be served in Utah)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
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The State of Utah to

_____ (party's name):

A lawsuit has been filed against you. You must respond in writing by the deadline for the court to consider your side. The written response is called an Answer.

Se ha presentado una demanda en su contra. Si desea que el juez considere su lado, deberá presentar una respuesta por escrito dentro del periodo de tiempo establecido. La respuesta por escrito es conocida como la Respuesta.

<p>Deadline! Your Answer must be filed with the court and served on the other party within 21 days of the date you were served with this Summons.</p> <p>If you do not file and serve your Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party can get what they asked for, and you do not get the chance to tell your side of the story.</p> <p>Read the complaint/petition The Complaint or Petition has been filed with the court and explains what the other party is asking for in their lawsuit. Read it carefully.</p> <p>Answer the complaint/petition You must file your Answer in writing with the court within 21 days of the date you were served with this Summons. You can find an Answer form on the court's website (www.utcourts.gov/howto/answer/).</p> <p>Serve the Answer on the other party You must email, mail or hand deliver a copy of your Answer to the other party (or their attorney or licensed paralegal practitioner, if they have one) at the address shown at the top left corner of the first page of this Summons.</p>	<p>¡Fecha límite para contestar! Su Respuesta debe ser presentada en el tribunal y también con la debida entrega formal a la otra parte dentro de 21 días a partir de la fecha en que usted recibió la entrega formal del Citatorio.</p> <p>Si usted no presenta una respuesta ni hace la entrega formal dentro del plazo establecido, la otra parte podrá pedirle al juez que asiente un fallo por incumplimiento. Un fallo por incumplimiento significa que la otra parte recibe lo que pidió, y usted no tendrá la oportunidad de decir su versión de los hechos.</p> <p>Lea la demanda o petición La demanda o petición fue presentada en el tribunal y ésta explica lo que la otra parte pide. Léala cuidadosamente.</p> <p>Cómo responder a la demanda o petición Usted debe presentar su Respuesta por escrito en el tribunal dentro de 21 días a partir de la fecha en que usted recibió la entrega formal del Citatorio. En la página del tribunal (www.utcourts.gov/howto/answer/) puede encontrar el formulario para la presentación de la Respuesta.</p> <p>Entrega formal de la respuesta a la otra parte Usted deberá enviar por correo electrónico, correo o entregar personalmente una copia de su Respuesta a la otra parte (o a su abogado o asistente legal, si tiene) a la dirección localizada en la esquina izquierda superior de la primera hoja del citatorio.</p>
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Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Cómo encontrar ayuda legal

Para información sobre maneras de obtener ayuda legal, vea nuestra página de Internet Cómo encontrar ayuda legal. Algunas maneras de hablar con un abogado son por medio de una visita a un taller jurídico gratuito, o mediante el Centro de Ayuda. Estos talleres proveen información legal general y dan consejo legal breve. También hay ayuda legal a precios de descuento.

A Simplified Chinese version of this document is available on the court's website.

本文件的简体中文版可在法院网站上找到：

www.utcourts.gov/howto/filing/summons/docs/1015GE_Summons_In_State_Chinese.pdf

A Vietnamese version of this document is available on the court's website:

Một bản tiếng Việt của tài liệu này có sẵn trên trang web của tòa:

www.utcourts.gov/howto/filing/summons/docs/1015GE_Summons_In_State_Vietnamese.pdf

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

Name	Check your email. You will receive information and documents at this email address.
Address	
City, State, Zip	
Phone	
Email	

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner v. Defendant/Respondent	Proof of Completed Service (Utah Rule of Civil Procedure 4) <hr/> Case Number <hr/> Judge <hr/> Commissioner (domestic cases)
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1. The following documents were served by the method described below (Choose all that apply.):
- ☐ Summons (File or attach copy.)
 - ☐ Complaint or Petition
 - ☐ Amended Complaint or Petition
 - ☐ Notice of Divorce Education Requirements
 - ☐ Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions
 - ☐ Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions
 - ☐ Parenting Plan
 - ☐ Other: _____ (describe)

Complete paragraph 2, or paragraphs 3 and 4.

Service by Mail

(Service by mail requires a signed receipt. Attach the receipt.)

2. ☐ I served the following person by sending a copy of the documents listed in Paragraph (1) by mail or commercial courier service to:

Name of Addressee

Address

City, State, Zip

I have attached a signed receipt proving delivery. It was signed by:

- ☐ the addressee personally.
☐ someone authorized by appointment or by law to receive service of process on behalf of the addressee.

Service by Third Person

3. ☐ I am over the age of 18, and
- I am not a party or an attorney for a party to this action.
 - I have not been convicted of a felony violation of a sex offense (Listed in Utah Code 77-41-102(16)).
 - I am not a respondent in a protective order proceeding (Utah Code 78B-7-101 et seq.).
4. ☐ On _____ (date), I went to _____

(address),
and I delivered the documents listed in paragraph 1 to

(name),
who is (Check one.):
- ☐ the named defendant/respondent.
☐ the named plaintiff/petitioner.
☐ a person of suitable age and discretion residing at that address, which is the named party's residence. (Describe why the person lives at the named party's residence and why they are of suitable age and discretion.)

-
-
- ☐ an agent authorized by appointment or by law to receive service of process on behalf of the named party.

If serving a corporation, partnership, or an unincorporated association

- ☐ an officer, a managing agent, general agent.

OR

- ☐ an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the named party, if the agent is one authorized by statute to receive process and the statute so requires.

If serving a city or town

- ☐ the city/town recorder.

If serving a county

- ☐ the county clerk.

If serving the state

- ☐ the attorney general, and to _____ (name
of any other person or agency required by statute to be served) at
_____ (address).

If serving a department or agency of the state

- ☐ a member of named party's governing board, executive employee or secretary.

If the document was served in some other way

- ☐ Other (Describe how the document was served.)
-
-

Person Completing Service

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Proof of Completed Service on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

This is a private record.

Non-public Information –

Parent Identification and Location Case Number _____

Notice: This information is required by the U.S. Secretary of Health and Human Services. If the information changes, you must complete and file another form. (Utah Code 62A-11-304.4.)

This form is accessible only by the other party and any attorneys in the case. The form is not a public record.

Name		Phone number	
Residential address			
<p><input type="checkbox"/> Keep my residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child.</p> <p>(If you check this box, omit your residential address from this document and from all other papers filed with the court. Include it only on the Safeguarded Address form.)</p>			
Mailing address (if different from residential address)			
Date of birth	Social Security Number	Driver's license	
		State	Number
Employer name, address and phone number			
Employer name, address and phone number			
<p>I am: (check all that apply)</p> <p><input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent <input type="checkbox"/> Custodial parent <input type="checkbox"/> Non-custodial parent</p> <p>Filing this information about <input type="checkbox"/> myself (required) <input type="checkbox"/> the other party (optional)</p>			

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

This is a private record.

Non-public Information – Minors

Case No. _____

Utah Code of Judicial Administration Rule 4-202.02

Use this document to provide non-public information to the court. Write the information here, and omit it from the public document. Complete as many forms as needed. Serve this form on the other party.

I swear or affirm that the following information is true.

[] * Keep the residential address private and do not provide it to the other party because there is reason to believe that releasing the information may result in physical or emotional harm to me or to my child.
(If you check this box, do not include the child's residential address on this document or any other papers filed with the court. Include it **only** on the Safeguarded Address form.)

1. Name of minor	Date of birth	Sex	Social Security Number	
Residential address*				
The following information is required only if custody or parent time is part of the case.				
Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

2. Name of minor	Date of birth	Sex	Social Security Number	
Residential address*				
The following information is required only if custody or parent time is part of the case.				
Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

--	--	--	--

3. Name of minor	Date of birth	Sex	Social Security Number
Residential address*			
The following information is required only if custody or parent time is part of the case.			
Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

 Date

Signature ► _____

Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

 Date

Signature ► _____

Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms.](#)}

This is a safeguarded record.

**Non-public Information –
Safeguarded Contact Information**

Case Number _____

Utah Code of Judicial Administration Rule 4-202.02

Instructions:

If your case is one of the types listed below and you want to safeguard your contact information (or that of your child) from the other party, write the information on this form and omit the information from the other documents you file in the case. File this form with the court, but **do not** serve this form on the other party.

Keep the following contact information private. Do not provide the contact information to the other party because (Choose all that apply.):

- ☐ I have a court order or agency order authorizing me to safeguard my contact information.
- ☐ this proceeding is about:
- a protective order (Utah Code 78B-7-109).
 - a stalking injunction (Utah Code 77-3a-101).
 - a parentage order (Utah Code 62A-11-304.4).
 - a custody order (UCCJEA, Utah Code 78B-13-209).
 - a support order (UIFSA, Utah Code 78B-14-312).

Name			
Residential Address			
City, State, ZIP			
Phone		Email address	
Reason for safeguarding contact information	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order (UCCJEA) <input type="checkbox"/> support order (UIFSA)	

Name			
Residential Address			
City, State, ZIP			
Phone		Email address	
Reason for safeguarding contact information	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order (UCCJEA) <input type="checkbox"/> support order (UIFSA)	

Name			
Residential Address			
City, State, ZIP			
Phone		Email address	
Reason for safeguarding contact information	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order (UCCJEA) <input type="checkbox"/> support order (UIFSA)	

Name			
Residential Address			
City, State, ZIP			
Phone		Email address	
Reason for safeguarding contact information	<input type="checkbox"/> court or agency order <input type="checkbox"/> protective order <input type="checkbox"/> stalking injunction	<input type="checkbox"/> parentage order <input type="checkbox"/> custody order (UCCJEA) <input type="checkbox"/> support order (UIFSA)	

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>_____</p> <p>V.</p> <p>_____</p> <p>Respondent</p>	<p>Affidavit about Child Support Services</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
--	---

I swear or affirm that the following is true. (Check one.)

- (1) ☐ Child support services under Title IV of the Social Security Act have never been provided on behalf of any child who is the subject of this action.
- (2) ☐ Child support services under Title IV of the Social Security Act have been or are being provided through the Utah Office of Recovery Services and on behalf of a child who is the subject of this action. I will serve on the Attorney General a copy of this Affidavit, a copy of the Petition to Modify Child Support, and, if one has been filed, a copy of the Stipulation to Enter Judgment. I will request that the Attorney General join as a party to this action.

Date

Sign here ►

Typed or Printed Name

On this date, I certify that _____ (name)
who is known to me or who presented satisfactory identification, in the form of
_____ (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

Date

Sign here ►

Typed or printed name (Court Clerk or Notary Public)

Notary Seal

Certificate of Service

I certify that I filed with the court and am serving a copy of this Affidavit about Child Support Services on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

	<p>Notice to Child Support Division of the Office of the Attorney General and Request to Join</p>
<p>_____ Petitioner</p> <p>v. _____</p>	<p>_____ Case Number</p>
<p>_____ Respondent</p>	<p>_____ Judge</p> <p>_____ Commissioner</p>

To the Child Support Division of the Office of the Attorney General,

Take notice that:

1. I have filed a Petition or Motion to Modify Child Support, requesting that the non-custodial parent be ordered to pay \$_____ per month in child support.
2. Child support services under Title IV of the Social Security Act have been or are being provided through the Utah Office of Recovery Services and on behalf of a child who is the subject of this action. I have attached a copy of the Affidavit about Child Support, a copy of the Petition to Modify Child Support, and, if one

has been filed, a copy of the Stipulation to Enter Judgment. I request that you join as a party to this action.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice to Child Support Division of the Office of the Attorney General and Request to Join on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>v.</p> <p>_____</p> <p>Respondent</p>	<p>Consent to Jurisdiction</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
---	--

Instructions: File this form **only** if:

(1) The controlling order was entered or last changed in Utah; (2) you, the other party, and the children do not reside in Utah; and (3) you and the other party consent that the Utah District Court should have continuing, exclusive jurisdiction to modify the order.

OR

(1) the controlling order was entered or last changed by a court in a state other than Utah; (2) you and the other party consent that the Utah district court should have continuing, exclusive jurisdiction to modify the order;

and either:

(3) the children reside in Utah; or (4) the Utah District Court has personal jurisdiction over at least one of the parties.

File this consent in the Utah District Court. If the controlling child support order was entered or last changed by a court of a state other than Utah, file this consent also in that court.

- (1) I consent that the Utah district court assume continuing, exclusive jurisdiction to modify the controlling child support order.
- (2) The controlling child support order was entered or last changed by a court in _____ (state).

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ►
Petitioner's Printed Name _____

Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ►
Respondent's Printed Name _____

Certificate of Service			
I certify that I filed with this court and am serving a copy of this Consent to Jurisdiction on the following people.			
Person's Name	Service Method	Service Address	Service Date
(Child Support Division, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
(Clerk of court that entered controlling order)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>v.</p> <p>_____</p> <p>Respondent</p>	<p>Stipulation to Enter Judgment</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
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- ☐ I have received and read the Petition (or Motion) to Modify Child Support and its supporting documents. I fully understand the claims and the request that
☐ Petitioner ☐ Respondent pay \$_____ per month child support.
- ☐ I understand that I have the right to contest the claims and to have a judge decide the issues.
- ☐ I voluntarily:
 - waive service of the Summons; (does not apply to a Motion to Modify Child Support)
 - enter my appearance;
 - admit the claims; and

(D) stipulate that the court may order the relief requested in the Petition at any time and without further notice.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

<p align="center">Certificate of Service</p> <p>I certify that I filed with the court and am serving a copy of this Stipulation to Enter Judgment on the following people.</p>			
Person's Name	Service Method	Service Address	Service Date
(Other party or attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Child Support Division, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Findings of Fact, Conclusions of Law, and Order on Petition to Modify Child Support</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	---

The matter before the court is ☐ Petitioner's ☐ Respondent's Petition to Modify Child Support. This matter is resolved by:

☐ The default of ☐ Petitioner ☐ Respondent.

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date).

Petitioner

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Respondent

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Office of Recovery Services

☐ was ☐ was not present

☐ was represented by _____

Guardian, conservator or custodian _____ (name)

☐ was ☐ was not present

☐ was represented by _____

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The Court Finds That:

(1) Controlling child support order. The controlling child support order is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	
Payor:	<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	Monthly Amount	\$

(Paragraphs (2)(A), (2)(B) and (2)(C) are separate conditions for jurisdiction. At least one Paragraph must apply.)

(2)(A) ☐ Jurisdiction. This court has jurisdiction under Utah Code Section 78B-14-205. A Utah court issued the controlling child support order consistent with Utah

law, and the order has not been modified by a tribunal of another state, and: (At least one must apply.)

☐ on the date the Petition to Modify Child Support was filed, Utah was the residence of the petitioner or respondent or the children for whose benefit the order was issued; or

☐ The non-resident parties have filed consent that this court may continue to exercise jurisdiction to modify its order.

(2)(B) ☐ **Jurisdiction.** This court has jurisdiction under Utah Code Section 78B-14-613. (All must apply.)

☐ The controlling child support order, issued in another state, has been registered and confirmed in Utah, and

☐ the order may be modified under the law of the issuing state, and

☐ petitioner and respondent reside in Utah, and

☐ the children do not reside in the issuing state.

(2)(C) ☐ **Jurisdiction.** This court has jurisdiction under Utah Code Section 78B-14-611. The controlling child support order, issued in another state, has been registered and confirmed in Utah, the order may be modified under the law of the issuing state, and Utah can exercise personal jurisdiction over any non-resident individual in this action or the individual's guardian or conservator because:

(At least one must apply.)

☐ the individual has been personally served with notice within Utah; or

☐ the individual submits to the jurisdiction of Utah by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; or

☐ the individual resided with the children in Utah; or

☐ the individual resided in Utah and provided prenatal expenses or child support; or

☐ the children reside in Utah as a result of the acts or directives of the individual; or

☐ the individual engaged in sexual intercourse in Utah and the child may have been conceived by that act of intercourse; or

☐ the individual asserted parentage in the putative father registry maintained in Utah by the state registrar of vital records in the Department of Health; or

☐ there is a basis for the exercise of personal jurisdiction consistent with the Utah Constitution and the United States Constitution;

AND (At least one must apply.)

☐ The party requesting modification does not reside in Utah, and neither the answering party nor the children reside in the issuing state; or

☐ Neither party resides in Utah, but the children do, and both parties have filed consents in the issuing court for a Utah court to modify the support order and assume continuing, exclusive jurisdiction; or

☐ Neither party resides in Utah, but this court has personal jurisdiction over at least one of the parties, and both parties have filed consents in the issuing court for a Utah court to modify the support order and assume continuing, exclusive jurisdiction.

(3) Relationship to children. The party requesting modification is the:

☐ payor (person who pays child support)

☐ payee (person who receives child support);

and the

☐ mother of

☐ father of

☐ legal guardian, conservator or custodian of

the children more fully described in the attached Non-public Information Form.

(Paragraphs (4) through (8) are separate grounds to modify child support. At least one Paragraph must apply)

(4) ☐ **Grounds to modify.** The controlling child support order should be modified because _____ (child's name) is emancipated.

(5) ☐ **Grounds to modify.** The controlling child support order should be modified because there has been a material change:

☐ in the availability, coverage, or reasonableness of cost of health care insurance of the ☐ payor ☐ payee; and/or

☐ in work-related or education-related child care expenses of the

☐ payor ☐ payee.

(6) ☐ **Grounds to modify.** The controlling child support order should be modified because: (All must apply.)

☐ it has not been modified within the last three years; and

☐ there is a difference of 10% or more between the support amount as ordered and the support amount as required under the guidelines; and

☐ the difference is not temporary.

(7) ☐ **Grounds to modify.** There has been a material change: (At least one must apply.)

☐ in custody; or

☐ in the relative wealth or assets of the parties; or

☐ of 30% or more in the income of a parent; or

☐ in the employment potential and ability of a parent to earn; or

☐ in the medical needs of the children; or

☐ in the legal responsibilities of a parent for the support of others

resulting in a difference, which is not temporary, of 15% or more between the support amount as ordered and the support amount as required under the guidelines.

(8) ☐ **Change in child tax exemption award.** The controlling order awards the child tax exemption to ☐ petitioner ☐ respondent under the following terms:

☐ Petitioner ☐ Respondent should be awarded the child tax exemption under the following terms:

The payor has no child support arrears, and the change in the award of the tax exemption will result in a tax benefit to the parent awarded the exemption.

(9) **Child Support Guidelines.** The modified child support is based on the parties' income or is imputed based on their work history.

(A) ☐ The requested child support amount is consistent with the guidelines.

OR

- (B) ☐ The amount of child support requested is NOT consistent with the guidelines because complying with a provision of the guidelines or ordering an award amount resulting from use of the guidelines would be unjust, inappropriate, or not in the best interest of the children after considering: (Check all that apply.)
- ☐ the standard of living and situation of the parties;
 - ☐ the relative wealth and income of the parties;
 - ☐ the payor's ability to earn;
 - ☐ the payee's ability to earn;
 - ☐ an incapacitated adult child's ability to earn;
 - ☐ benefits received by or on behalf of an incapacitated adult child;
 - ☐ the needs of the payee, the payor, and the children;
 - ☐ the ages of the parties;
 - ☐ the responsibilities of the payor and the payee for the support of others.

The Court Concludes That:

- (10) The court ☐ does ☐ does not have jurisdiction.
- (11) There ☐ are ☐ are not grounds to modify the controlling child support order.
- (12) ☐ To enable ☐ Petitioner ☐ Respondent to prosecute or defend this action, it is necessary that ☐ Petitioner ☐ Respondent pay _____ % of the costs and attorney fees of the other party.

The Court Orders That: (Complete only those sections where there is a change.)

- (13) ☐ The Petition to Modify Child Support is denied.
- (14) ☐ The controlling child support order is modified as follows:
- (15) ☐ **Amount.** ☐ Petitioner ☐ Respondent must pay \$_____ each month to support the children.
- (16) ☐ **Payee.** (Choose (9)(A) if the Office of Recovery Services (ORS) is collecting child support payments. Choose (9)(B) if not.)
- (A) ☐ **To ORS.** Office of Recovery Services (ORS) is collecting child support payments. Income withholding shall be made from the salary and wages of the Payor. Any Federal and State tax refunds or rebates due the payor may be

intercepted by the State of Utah and applied to existing child support arrearages. Income withholding should apply to existing and future payors. Unless the Office of Recovery Services gives notice that payments should be sent elsewhere, all child support payments should be made to the Office of Recovery Services. Child support should be due on or before the first day of each month and delinquent on the first day of the following month. All administrative fees and costs of income withholding assessed by the Office of Recovery Services shall be paid by
☐ Petitioner ☐ Respondent.

(B) ☐ **To payee** _____ (name of person who will receive child support payments) (Complete (17)(A) and (17)(B).)

(17) ☐ **Payment schedule.** ORS is not collecting child support payments. Child support shall be paid: (Choose one.)

☐ **(A)** one-half by the 5th day of each month and one-half by the 20th day of each month.

OR

☐ **(B)** according to the following schedule:

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

_____ % On or before the _____ day of each month

Child support payments begin the month immediately following the entry of the order. A child support payment not paid on or before the due date be considered delinquent on the next day.

(18) ☐ **Payment method.** (Choose one.)

☐ **(A)** The Payee shall provide to Payor the information necessary to set up direct deposit through Payor's employer. Upon receipt of the information, Payor's employer shall establish direct deposit to an account of Payee's choice.

OR

☐ **(B)** Child support shall be paid directly to the Payee. The Payor has paid other court ordered support on time. Income withholding for this child support would not be in the children's best interest because:

OTHER SUPPORT REQUESTS

(19) ☐ **Health insurance coverage.** (Complete this section only if you are ordering a change in health insurance coverage.)

(A) (Choose one or both.) ☐ Petitioner ☐ Respondent must maintain medical, hospital and dental care insurance for the dependent children where available at reasonable costs and the insurance coverage is accessible to the children.

(B) Both parties share equally the out-of-pocket costs of the premium paid by a parent for the children's portion of the insurance.

(C) Both parties share equally all reasonable and necessary uninsured and unreimbursed medical and dental expenses, including deductibles and co-payments, incurred for the dependent children and paid by a party.

(D) The parent who incurs medical expenses shall provide written verification of the cost and payment of medical expenses to the other parent within 30 days after the payment.

(E) A parent incurring medical expenses shall be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if that parent fails to provide written verification of the cost and payment of medical expenses to the other parent within 30 days of payment.

(F) The parent ordered to maintain insurance shall provide verification of coverage to the other parent, or to the Office of Recovery Services upon initial enrollment of the dependent children, and on or before January 2 of each calendar year; and that parent shall notify the other parent, or the Office of Recovery Services of any change of insurance carrier, premium, or benefits within 30 calendar days of the date the parent first knew or should have known of the change.

(G) Other medical expense request:

(20) ☐ **Day-care or education-related costs.** (Choose ☒ this box only if you are ordering a change payment of day-care or education-related costs.)

(A) Both parties share equally all reasonable work, career, or occupational training-related child care expenses.

(B) The parent who incurs child care expenses shall provide written verification of the cost and identity of a child care provider to the other parent upon initial engagement of a provider and thereafter on the request of the other parent.

(C) The parent who incurs child care expenses shall notify the other parent of any change of a child care provider or the monthly expense of child care within 30 calendar days of the date of the change.

(D) The parent not directly paying for child care shall begin paying their share of child care expenses on a monthly basis immediately upon presentation of proof of the child care expense.

(E) A parent incurring child care expenses may be denied the right to receive credit for the expenses or to recover the other parent's share of the expenses if the parent incurring the expenses fails to comply with these provisions.

(F) Other day-care or education expense request:

(21) ☐ **Child tax exemption award.** The controlling order is modified to award ☐ Petitioner ☐ Respondent the child tax exemption under the following terms:

(22) **Child support arrears.** Child support arrears shall be determined by further judicial or administrative process.

(23) **Change in income.** Each party must notify the other within ten days of any change in monthly income.

(24) ☐ **Costs and attorney fees.** ☐ Petitioner ☐ Respondent must pay _____ % of the costs and attorney fees of the other party in this matter.

(25) **Other.** The court further orders:

(26) Remainder of order unchanged. The remainder of the order listed in paragraph (1) above remains unchanged.

Date
Signature ► _____
Recommended by Commissioner _____

Date
Signature ► _____
Approved by Judge _____

Approved as to form.

Date
Signature ► _____
Petitioner or Attorney _____

Date
Signature ► _____
Respondent or Attorney _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact, Conclusions of Law, and Order on Petition to Modify Child Support on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Child Support Modification forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent
 ☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Notice of Judgment</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

Instructions: Attach the following:

- Findings of Fact, Conclusions of Law, and Order
- Military Service Order (If judgment was entered because of the party's default.)

Please take notice that the court has entered the attached judgment. You may appeal this judgment by filing a Notice of Appeal with this court within 30 days after the date the judgment was entered.

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Notice of Judgment on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [OCAP Website](#) or [link to the Child Support Modification forms](#).}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the ☐ Petitioner
 ☐ Respondent

☐ Attorney for the ☐ Petitioner ☐ Respondent and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Notice of Modification</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

To:

Clerk of Court for the court that entered the order being modified	Clerk of Court for each court in which the order being modified has been registered.

Please take notice that I have attached a certified copy of an order of the Utah District Court that modifies an order entered by or registered in your court.

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service			
I certify that I filed with the court and am serving a copy of this Notice of Modification on the following people.			
Person's Name	Service Method	Service Address	Service Date
(Other Party or Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Child Support Division, if applicable)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court for the court that entered the order being modified)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
(Clerk of Court for each court in which the order being modified has been registered.)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Sign here ► _____
 Date

 Typed or Printed Name _____

Appendix 12: Sample Divorce Mediation Program (ADR) Documents

See <https://www.utcourts.gov/mediation/divmed/> for additional forms and information.

The State of Utah requires participation in at least one session of mediation if the divorce is disputed. Mediation is typically less expensive than a court ruling, and the parties are often more satisfied with the result. The court self-help website [lists mediators](#) throughout the state.

With the approval of BOTH the [ADR Office](#) and the Court, the mandatory mediation requirement can be [excused](#) if certain conditions are met.

{Access the [UDR Website](#) or [link to the Divorce Mediation forms](#).}

Sample Agreement to Mediate (NOT from utcourts.gov)

We, _____ and _____,
agree to participate in mediation, with _____
as the mediator. We agree to the following guidelines.

1. We agree to sincerely attempt to resolve the issues by fully and genuinely searching for fair and workable solutions.
2. We agree to be honest and to completely disclose all relevant information and legally discoverable documents with the other party and the mediator.
3. We agree to be courteous throughout the sessions.
4. We understand that the mediator is a neutral third party whose only purpose is to promote communication and help the parties reach an understanding as to how the issues will be resolved.
5. We understand that it is our obligation to seek independent legal, accounting, and other professional advice and assistance (e.g., having an attorney prepare the actual court papers).
6. The mediator will not reveal anything discussed in the mediation, other than (a) the mediation agreement, (b) incidents of abuse, or (c) threats of violence, without the permission of both parties. The parties agree that they will never subpoena the mediator as a witness or subpoena any documents of the mediator in any legal or administrative proceeding concerning this dispute. They further agree to reimburse the mediator for any expenses he incurs in any action to quash such subpoenas.
7. We agree that either party may, upon the consent of both parties, hold private sessions with the mediator at their or the mediator's request. Except for concealment of assets and matters which the mediator is legally bound to disclose, the parties may specify what will remain confidential from these private sessions

8. Either party or the mediator may terminate mediation at any time.

9. We agree to be on time.

Signature

Date

Signature

Date

{Access the [UDR Website](#) or [link to the Divorce Mediation forms.](#)}

Sample Mediation Disposition Notice (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _____ District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

V.

Defendant/Respondent

MEDIATION DISPOSITION NOTICE

Case Number

Commissioner (or Judge)

The above matter was mediated by _____.

Appendix 12: Sample Divorce Mediation Program (ADR) Documents

The case was settled / not settled / partially settled (*circle one*).

Signature of Party

Date

Signature of Counsel

Date

{Access the [UDR Website](#) or [link to the Divorce Mediation forms.](#)}

Sample Memorandum of Understanding (NOT from utcourts.gov)

Name

Address

City, State, Zip

Phone

Email

In the _____ District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**MEMORANDUM OF
UNDERSTANDING**

Case Number

Commissioner (or Judge)

We, _____ and _____
accept this document as an expression of our mutual understanding of our rights and
obligations to one another and with regard to our children upon the termination of our
marriage.

We represent, acknowledge, and agree to the following facts, assumptions, representations, and commitments.

We have have _____ child(ren), namely:

_____, born _____,

_____, born _____,

_____, born _____,

_____ is employed by _____ at
an income rate of _____ per month. _____ is
employed by _____ at an income rate of _____ per
month.

We are presently married and are obtaining a divorce. Irreconcilable differences have arisen between us, which differences have made the continuation of our marriage impossible. We have participated in mediation and have reached an understanding about the terms of our divorce decree. It is our intent that the terms of our Memorandum of Understanding be incorporated into a Decree of Divorce. We agree that

_____ will initiate the divorce and provide all
documents to _____ before any are filed with the
Court.

We agree that we both have loving and valuable relationships with our children and we agree to work together cooperatively with regard to their physical care and financial and emotional support. Consequently, we agree to the following principles and commitments specially pertaining to our children's custody and parent-time :

_____.

We agree to the following in regard to child support: _____

_____.

Each party will share, equally, all uninsured medical, dental, optical, or other health related expenses, and in the cost of the children's medical, dental, optical, or other health insurance premiums. _____ will carry medical, dental, optical, and other health insurance on the children.

We agree to the following in regard to tax matters relating to the children: _____

_____.

We agree to the following regarding alimony: _____

_____.

We agree that our assets should be divided as follows: _____

_____.

We agree that our debts should be divided as follows: _____

_____.

We agree to the following regarding our attorney fees: _____

_____.

We will each execute any and all documents necessary to carry out the terms of a decree of divorce immediately upon entry of a decree.

We acknowledge that we have been advised to and have had time to seek independent legal and other professional advice regarding this Memorandum of Understanding.

Appendix 12: Sample Divorce Mediation Program (ADR) Documents

We agree that we have fully informed and advised the other party of our property and estate.

In the event that there are future disagreements, we agree to attempt mediation first.

Signature of Spouse

Date

Signature of Spouse

Date

Signature of Mediator

Date

APPLICATION TO EXCUSE MANDATORY DIVORCE MEDIATION

Applies to new contested divorce cases only. Do not use for paternity cases or divorce modifications.

Please complete this application to excuse mandatory divorce mediation to determine if your divorce mediation session can be excused for good cause by the Administrative Office of the Courts Divorce Mediation Program. The applicant must sign the form even if prepared by a third party.

Please Complete Information for Both Parties as listed on Petition			
Case #:	Judge/Commissioner:	City Where Petition was filed:	Date Petition was Answered:
<u>PETITIONER</u>		<u>RESPONDENT</u>	
Full Name: _____		Full Name: _____	
Street Address: _____		Street Address: _____	
City, State, Zip: _____		City, State, Zip: _____	
Date of Birth: _____		Date of Birth: _____	
E-mail Address: _____		E-mail Address: _____	
Phone Number(s): _____		Phone Number(s): _____	
Attorney's Name: _____		Attorney's Name: _____	
Attorney's Address: _____		Attorney's Address: _____	
Attorney's City, State, Zip: _____		Attorney's City, State, Zip: _____	
Attorney's Phone: _____		Attorney's Phone: _____	
Attorney's E-mail: _____		Attorney's E-mail: _____	

Please circle		
YES	NO	Is there a current Protective, Restraining or No Contact Order issued between the parties? If yes, list case #: _____
YES	NO	Is there a history or allegation of domestic violence?
YES	NO	Can you safely be contacted at the phone number or address listed above? If not, how can you be contacted? _____
YES	NO	Is there a history of mental incapacitation regarding either party? If yes, who? _____ What type? _____ Is it currently being treated? _____

Please explain your reason for requesting to be excused from mandatory divorce mediation on the lines below.

STATEMENT OF VERIFICATION

I verify under the penalties of perjury that the information provided on this application is true and correct

Applicant's Signature _____

Date _____

RETURN TO: Bart MacKay, Program Coordinator
206 W. Tabernacle, Suite 160
St. George, UT 84770

Tel: (435) 986-5754
Email: divorceinfo@utcourts.gov

DIVORCE MEDIATION INCOME SURVEY

Applies to new contested divorce cases only

Today's Date: _____

Page 1 of 2

Please complete the Income Survey to determine if you qualify for a divorce mediation session (up to 4 hours) at no cost to you (pro bono). All income surveys must be completed in full and signed in order to qualify.

Please Complete Information for Both Parties as listed on Petition

Case #:	Judge/Commissioner:	City Where Petition was filed:	Date Petition was Answered:
<u>PETITIONER</u>		<u>RESPONDENT</u>	
Full Name: _____		Full Name: _____	
Street Address: _____		Street Address: _____	
City, State, Zip: _____		City, State, Zip: _____	
Date of Birth: _____		Date of Birth: _____	
E-mail Address: _____		E-mail Address: _____	
Phone Number(s): _____		Phone Number(s): _____	
Attorney's Name: _____		Attorney's Name: _____	
Attorney's Address: _____		Attorney's Address: _____	
Attorney's City, State, Zip: _____		Attorney's City, State, Zip: _____	
Attorney's Phone: _____		Attorney's Phone: _____	
Attorney's E-mail: _____		Attorney's E-mail: _____	

Please circle your answers		
YES	NO	Is there a current Protective Order issued between the parties? If yes, list case #: _____
YES	NO	Is there a history or allegation of domestic violence?
YES	NO	Are there any special needs to consider before/during the mediation? If yes, please describe:

SECTION 1. HOUSEHOLD INFORMATION

List yourself and all people living with you regardless of age or relationship to you. If any person is over 18 years of age, list their monthly earnings (before taxes).

Name	Age	Relationship to You	Monthly Earnings (before taxes)
1.		SELF	
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Do you currently pay Child Support for any children? YES _____ NO _____ If Yes, How Much? \$ _____



SECTION 2.		FINANCIAL INFORMATION	
A. Are you currently employed? YES NO If currently employed, please provide the following information: (If not currently employed, list previous employer) Employer: _____ Address: _____ Phone #: _____ Supervisor: _____ Hourly Wage \$: _____ # of hours per week: _____	B. Do you receive Government Benefits? YES NO Please list the total monthly amount you receive from the following programs for everyone living in your household: Family Employment Program: _____ SSI: _____ Food Stamps: _____ WIC: _____ General Assistance: _____ Refugee Cash Assistance: _____		
C. Do you receive other sources of income? YES NO Please list the total monthly amount you receive from any of the following sources for everyone living in your household: Alimony: _____ Social Security Benefits: _____ Child Support: _____ Unemployment Compensation: _____ Disability Benefits: _____ Worker's Compensation: _____ Other: (please specify) _____			
SECTION 3.		STATEMENT OF VERIFICATION	
<p>This section must be signed in order to process the income survey. <u>Incomplete surveys will not be accepted.</u></p> <p>I verify under the penalties of perjury that the information provided on this income survey is true and correct, and that if any of the financial information changes, I will inform the Divorce Mediation Program immediately.</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%; border-top: 1px solid black; margin-top: 10px;">Signature</div><div style="width: 45%; border-top: 1px solid black; margin-top: 10px;">Date</div></div>			
SECTION 4.		WHERE TO SEND THE SURVEY	
<p>NOTE: Please remember to complete all sections of this form --- Incomplete surveys will not be processed.</p> <p>Please print out the Income Survey and sign it before returning it to:</p> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>Bart MacKay Divorce Mediation Program Coordinator Administrative Office of the Courts 206 W. Tabernacle, Suite 160 St. George, Ut 84770</p></div><div style="width: 45%;"><p>Phone: (435) 986-5754 E-mail: divorceinfo@utcourts.gov Toll Free Automated Helpline: 1-800-620-6318 Website: www.utcourts.gov/mediation/divmed</p></div></div>			

{Access the [UDR Website](#) or [link to the Divorce Mediation forms.](#)}

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #:_____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Motion to Excuse Mandatory
Divorce Mediation**

(Utah Code 30-3-39)

Case Number

Judge

Commissioner

1. I ask the court to excuse mandatory divorce mediation.
2. ☐ I tried to have mediation excused either by the divorce mediation program coordinator or a court qualified divorce mediator. They denied the request.
3. Mediation did not occur because:

4. Mediation should be excused because:

5. ☐ I am attaching documents to support this motion.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Motion to Excuse Mandatory Divorce Mediation on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

{Access the [UDR Website](#) or [link to the Divorce Mediation forms.](#)}

<hr/>	
Name	
<hr/>	
Address	
<hr/>	
City, State, Zip	
<hr/>	
Phone	
<hr/>	
Email	
<hr/>	
Check your email. You will receive information and documents at this email address.	
I am <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent	
<input type="checkbox"/> Plaintiff/Petitioner's Attorney <input type="checkbox"/> Defendant/Respondent's Attorney (Utah Bar #:_____)	
<input type="checkbox"/> Plaintiff/Petitioner's Licensed Paralegal Practitioner	
<input type="checkbox"/> Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #:_____)	

In the <input type="checkbox"/> District <input type="checkbox"/> Justice Court of Utah	
_____ Judicial District _____ County	
Court Address _____	
<hr/>	
<hr/>	Request to Submit for Decision
Plaintiff/Petitioner	(Utah Rule of Civil Procedure 7)
V.	<input type="checkbox"/> Hearing Requested
<hr/>	_____
Defendant/Respondent	Case Number

	Judge

	Commissioner (domestic cases)

1. The Motion to _____ (name of motion) was filed on _____ (date).
2. A memorandum opposing the motion
☐ was not filed ☐ was filed on _____ (date).
3. A reply memorandum supporting the motion
☐ was not filed ☐ was filed on _____ (date).

4. A stipulation
[] was not filed [] was filed on _____ (date).
5. A hearing
[] has been requested [] has not been requested.
6. I request that the motion be submitted for decision because it is now ready for the court to review and issue a decision.

Plaintiff/Petitioner or Defendant/Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and am serving a copy of this Request to Submit on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

{Access the [UDR Website](#) or [link to the Divorce Mediation forms.](#)}

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Order on Motion to Excuse Mandatory Divorce Mediation</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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The matter before the court is ☐ petitioner's ☐ respondent's Motion to Excuse Mandatory Divorce Mediation. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ petitioner ☐ respondent.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court finds:

The moving party ☐ has ☐ has not shown good cause to excuse mandatory divorce mediation.

The court orders:

1. The motion to excuse mandatory divorce mediation is ☐ granted ☐ denied.

2. Other:

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Judge

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion to Excuse Mandatory Divorce Mediation on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Appendix 13: Child Support Worksheets and Official Child Support Table

For details and information, visit <https://www.utcourts.gov/howto/divorce/support.html#child>.

Readers are strongly encouraged to use the online [Child Support Calculator](#) to prepare child support worksheets. The Calculator will create accurate, pre-filled worksheets for submission with a Petition for Divorce (Appendix 1) or Motion to Modify Child Support (Appendix 11).

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p style="text-align: center;">_____ vs. _____</p> <p>The Combined Child Support Obligation Table used for calculation is: <input type="checkbox"/> 78B-12-301(1) and 78B-12-302(1) <input type="checkbox"/> 78B-12-301(2) and 78B-12-302(2)</p>	CHILD SUPPORT OBLIGATION WORKSHEET (JOINT PHYSICAL CUSTODY) Civil No. _____
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	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	-	-	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	-	-	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	-	-	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Enter the Combined Support Obligation here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the number of overnights the children will spend with each parent. (They must total 365). Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78B-12-208).			365
7b. Identify the parent who has the child the lesser number of overnights, and continue the rest of the calculation for them. You will be making adjustments to the net amount owed by this parent.	<u>(Name of parent with lesser number of overnights)</u>		
8a. For the parent who has the child the lesser number of overnights multiply the number of overnights that are greater than 110 but less than 131 by .0027 to obtain a resulting figure and enter in the space to the right.			
8b. Multiply the result on Line 8a by the Combined Support Obligation on Line 4 for this parent and enter the number in the space to the right.	\$		
8c. Subtract the respective dollar amount on Line 8b from this parent's share of the Base Support Obligation found in the column for this parent on Line 6 to determine the amount as indicated by U.C.A. 78B-12-208 (3)(a) and enter the amount in the space to the right.	\$		
9a. Additional calculation necessary if both parents have the child for more than 131 overnights (Otherwise go to Line 10): For the parent who has the child the lesser number of overnights multiply the number of overnights that exceed 130 (131 overnights or more) by .0084 to obtain a resulting figure and enter it in the space to the right.			
9b. Multiply the result on Line 9a by the Combined Support Obligation on Line 4 for this parent and enter each in the space to the right.	\$		
9c. Subtract this parent's dollar amount on Line 9b from their respective amount as identified on Line 8c to determine the amount as indicated by U.C.A. 78B-12-208 (3)(b) and enter the amount in the space to the right. Go to Line 10.	\$		

Appendix 13: Child Support Worksheets and Official Child Support Table

10. BASE CHILD SUPPORT AWARD: If the result in Line 9c. is > 0 , then this parent is the obligor (and the other parent is the obligee). Enter the amount in Line 9c here. This is the amount owed by this parent to the obligee all 12 months of the year. If the result in Line 9c is < 0 , then this parent is the obligee (and the other parent is the obligor). Enter the absolute value of the result in Line 9c here. This is the amount owed to this parent by the obligor all 12 months of the year.	\$
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11. Which parent is the obligor? () Mother () Father

12. Is the support award the same as the guideline amount in Line 10? () Yes () No
If NO, enter the amount ordered: \$_____, and answer number 13.

13. What were the reasons stated by the Court for the deviation?

() property settlement

() excessive debts of the marriage

() absence of need of the custodial parent

() other: _____

Attorney Bar No. _____

INSTRUCTIONS FOR THE JOINT PHYSICAL CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

"(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order."

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. Complete the calculation as directed.

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their child(ren).

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. This is the total number of overnights the children will have with each parent. Each parent must have at least 111 overnights to qualify for Joint Physical Custody (U.C.A. 78-12-208).

Line 7b. The rest of the calculation will be made for the parent who has the child(ren) the lesser number of overnights. So identify this parent here and continue the calculation for only this parent.

Line 8a. Complete the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for overnights totaling between 110 to 130 [U.C.A. 78B-12-208 (3) (a)].

Line 8b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.

Line 8c. Complete the calculation as directed. This is this parent's share of the base support obligation as a dollar figure.

Appendix 13: Child Support Worksheets and Official Child Support Table

Line 9a. If both parents have the child for more than 131 overnights, then continue the calculation as directed. This is the mathematical figure that will be used to reduce the base support obligation for any overnights greater than 130 that the child(ren) have with the parent who has the child(ren) the lesser number of overnights [U.C.A. 78B-12-208 (3) (b)]. **Otherwise go to Line 10.**

Line 9b. Complete the calculation as directed. This is the combined support obligation as a dollar figure for this parent.

Line 9c. Complete the calculation as directed. This is this parent's share of the base support obligation as a dollar figure.

Line 10. Designate which parent must pay support and the support amount by completing the calculation as directed. The Base Child Support Award is the amount the obligor pays to the obligee all 12 months of the year. See the **Insurance Premium** and **Child Care Adjustment Worksheet** to determine how the insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 11. Designate which parent must pay support.

Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10..

Line 13. Complete Line 13 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table" or the "Low Income Table."

IN THE _____ DISTRICT COURT

_____ COUNTY, STATE OF UTAH

<p>_____</p> <p style="text-align: center;">vs.</p> <p>_____</p> <p>The Combined Child Support Obligation Table used for calculation is: <input type="checkbox"/> 78B-12-301(1) and 78B-12-302(1) <input type="checkbox"/> 78B-12-301(2) and 78B-12-302(2)</p>	<p>CHILD SUPPORT OBLIGATION WORKSHEET (SOLE CUSTODY AND PATERNITY)</p> <p>Civil No. _____</p>
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	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			
2a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	—	—	
2d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	—	—	
3. Subtract Lines 2b, 2c, and 2d from 2a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. BASE CHILD SUPPORT AWARD: Bring down the amount(s) from Line 6 or enter the amount(s) from the Low Income table per U.C.A. 78B-12-205. The parent(s) without physical custody of the child(ren) pay(s) the amount(s) all 12 months of the year.	\$	\$	

8. Which parent is the obligor? ☐ Mother ☐ Father ☐ Both
9. Is the support award the same as the guideline amount in Line 7? ☐ Yes ☐ No
 If NO, enter the amount(s) ordered: \$ _____ (Father) \$ _____ (Mother) and answer number 10.
10. What were the reasons stated by the court for the deviation?
☐ property settlement
☐ excessive debts of the marriage
☐ absence of need of the custodial parent
☐ other: _____

Attorney Bar No. _____

INSTRUCTIONS FOR THE SOLE CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for whom support is to be determined. Do not include any children of either parent by another partner on this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Canceled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 2c. Enter the amount of support either parent is court ordered to pay for children by another partner [(U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 2d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

"(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order."

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 3. (See U.C.A. 78B-12-205) If the obligor's income is over \$1,050 complete the calculation as directed. If the obligor's income is \$650 to \$1,050 then calculate the child support award using the "Combined Child Support Obligation Table" and the "Low Income Table." The child support award will be the lesser of the two amounts. Enter the lesser of the two amounts on Line 7. If the obligor's income is \$649 or less, refer to U.C.A. 78B-12-205(6).

Line 4. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their children.

Line 5. Calculate each parent's share of the amount in Line 4 as a percentage figure.

Line 6. Calculate each parent's share of the amount in Line 4 as a dollar amount.

Line 7. The Base Child Support Award is the amount the obligor pays to the obligee. This is the amount the parent(s) without physical custody of the child(ren) pays all 12 months of the year. See the **Insurance Premium and Child Care Adjustment Worksheet** to determine how insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 8. Designate which parent or parents have a support obligation based on this worksheet.

Line 9. Complete Line 9 to indicate if the amount ordered deviates from the guideline amount in Line 7.

Line 10. Complete Line 10 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table," "Low Income Table" or in accordance with U.C.A. 78B-12-205.

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p style="text-align: center;">_____ vs. _____</p> <p>The Combined Child Support Obligation Table used for calculation is:</p> <p>() 78B-12-301(1) and 78B-12-302(1)</p> <p>() 78B-12-301(2) and 78B-12-302(2)</p>	CHILD SUPPORT OBLIGATION WORKSHEET (SPLIT CUSTODY)
	<p>Civil No. _____</p>

	MOTHER	FATHER	COMBINED
1. Enter the # of natural and adopted children of this mother and father for whom support is to be awarded.			
2. Divide the number of children with each parent by the combined number of children listed in Line 1.	%	%	
3a. Enter the father's and mother's gross monthly income. Refer to Instructions for definition of income.	\$	\$	
3b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
3c. Enter previously ordered child support. (Do not enter obligations ordered for the children in Line 1.)	—	—	
3d. OPTIONAL: Enter the amount from Line 12 of the Children in Present Home Worksheet for either parent.	—	—	
4. Subtract Lines 3b, 3c, and 3d from 3a. This is the Adjusted Gross Income for child support purposes.	\$	\$	\$
5. Take the COMBINED figure in Line 4 and the number of children in Line 1 to the Support Table. Find the Base Combined Support Obligation. Enter it here.			\$
6. Divide each parent's adjusted monthly gross in Line 4 by the COMBINED adjusted monthly gross in Line 4.	%	%	
7. Multiply Line 5 by Line 6 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
8. Multiply the mother's Line 7 by the father's Line 2. This is the mother's obligation to the father.	\$		
9. Multiply the father's Line 7 by the mother's Line 2. This is the father's obligation to the mother.		\$	
10. BASE CHILD SUPPORT AWARD: Subtract the lesser amount (OBLIGEE'S) from the greater amount (OBLIGOR'S) of Lines 8 and 9. This is the amount the OBLIGOR pays to the obligee all 12 months of the year .			\$

11. Which parent is the obligor? () Mother () Father

 12. Is the support award the same as the guideline amount in Line 10? () Yes () No
 If NO, enter the amount ordered: \$ _____, and answer number 13.

13. What were the reasons stated by the court for the deviation?

- () property settlement
- () excessive debts of the marriage
- () absence of need of the custodial parent
- () other: _____

Attorney Bar No. _____

INSTRUCTIONS FOR THE SPLIT CUSTODY WORKSHEET

Line 1. Enter the number of natural and adopted children of the mother and father for support is to be determined. Do not include any children of either parent by another partner this line. If a child for whom support is to be determined is an unemancipated minor who does not live with his parents, use the total number of children, including the unemancipated minor, by that set of parents for Line 1.

Line 2. Complete the computation as directed.

Line 3a. Enter the mother's and father's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 3b. Enter the amount of alimony either parent is court ordered to pay and actually pays to another parent [U.C.A. 78B-12-204(1)]. Do not include alimony payments for this case. Alimony payments must be verified. Cancelled checks or a statement from the recipient of the alimony may be accepted as verification.

Line 3c. Enter the amount of support either parent is court ordered to pay for children by another partner [U.C.A. 78B-12-204(1)]. Previously ordered support may include specifically ordered payments toward a child's medical expenses, child care, or child support [U.C.A. 78B-12-102(7)]. A copy of the order is required for verification.

Line 3d. U.C.A. 78B-12-210(6) and (7) state: "(6) (a) Natural or adoptive children of either parent who live in the home of that parent and are not children in common to both parties may at the option of either party be taken into account under the guidelines in setting or modifying a child support award, as provided in Subsection (7). Credit may not be given if: (i) by giving credit to the obligor, children for whom a prior support order exists would have their child support reduced; or (ii) by giving credit to the obligee for a present family, the obligation of the obligor would increase. (b) Additional worksheets shall be prepared that compute the obligations of the respective parents for the additional children. The obligations shall then be subtracted from the appropriate parent's income before determining the award in the instant case.

"(7) In a proceeding to adjust or modify an existing award, consideration of natural or adoptive children born after entry of the order and who are not in common to both parties may be applied to mitigate an increase in the award but may not be applied: (a) for the benefit of the obligee if the credit would increase the support obligation of the obligor from the most recent order; or (b) for the benefit of the obligor if the amount of support received by the obligee would be decreased from the most recent order."

Use the WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME and/or the WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME to compute the obligations of the respective parents for the additional children.

Line 4. Complete the calculation as directed.

Line 5. The amount on the "Combined Child Support Obligation Table" shows the amount BOTH parents combined should contribute for the support of their children.

Line 6. Calculate each parent's share of the amount in Line 5 as a percentage figure.

Line 7. Calculate each parent's share of the amount in Line 5 as a dollar amount.

Line 8. Complete the calculation as directed. This is the mother's obligation to the father.

Line 9. Complete the calculation as directed. This is the father's obligation to the mother.

Line 10. The Base Child Support Award is the amount the obligor pays to the obligee. See the **Insurance Premium and Child Care Adjustment Worksheet** to determine how insurance premiums and child care expenses may change the amount the obligor pays to the obligee.

Line 11. Designate which parent must pay support.

Line 12. Complete Line 12 to indicate if the amount ordered deviates from the guideline amount in Line 10.

Line 13. Complete Line 13 if the obligor will not be ordered to pay the guideline amount from either the "Combined Child Support Obligation Table" or the "Low Income Table."

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p style="text-align: center;">_____ vs. _____</p> <p>The Combined Child Support Obligation Table used for calculation is: () 78B-12-301(1) and 78B-12-302(1) () 78B-12-301(2) and 78B-12-302(2)</p>	<p>WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME</p> <p>Civil No. _____</p>
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OTHER PARENT NAME _____	FATHER	OTHER PARENT	COMBINED
1. Enter the # of natural and adopted children of the father and the other parent.			
2a. Enter the father's and other parent's gross monthly income. Refer to Instructions for definition.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter pre-existing ordered child support. (Do not enter obligations ordered for the children in this case.)	—	—	
3. Subtract Lines 2b and 2c from 2a. This is the Adjusted Monthly Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the amount of the children's portion of the insurance premium actually paid.			\$
8. Enter the monthly work or training related child care expense for the children in Line 1.			\$

9.	FATHER'S SHARE OF BASE CHILD SUPPORT AWARD FOR THE CHILDREN IN LINE 1. Enter the amount for the father from Line 6.	\$
10.	FATHER'S SHARE OF CHILDREN'S INSURANCE FOR THE CHILDREN IN LINE 1. Multiply Line 7 by .50, and enter the result here.	\$
11.	FATHER'S SHARE OF WORK OR TRAINING RELATED CHILD CARE EXPENSES FOR THE CHILDREN IN LINE 1. Multiply Line 8 by .50, and enter the result here.	\$
12.	FATHER'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION TO THE CHILDREN IN LINE 1. Add Lines 9,10, and 11. This amount may be used to adjust the father's gross income on the sole, split, or joint custody worksheets.	\$

INSTRUCTIONS FOR CHILDREN IN THE FATHER'S HOME WORKSHEET

Use this worksheet to determine the father's obligation for natural or adopted children who live in his home and who are not children of the mother listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The father may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the father has child support obligations for other children.

Other Parent Name: The other parent may be a current spouse, partner, or an ex-spouse of the father.

Line 1. Enter the number of natural or adopted children of the father and the other parent named on this worksheet. If the father has children in his home by more than one mother, complete a separate WORKSHEET TO DETERMINE FATHER'S OBLIGATION TO CHILDREN IN HIS PRESENT HOME for the children of each other parent.

Line 2a. Enter the father's and other parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the FATHER'S column, enter the monthly alimony amount he is paying to a parent other than the one listed on this worksheet or the primary worksheet. In the OTHER PARENT'S column enter the monthly alimony that father is paying to someone other than the mother listed on this worksheet.

Line 2c. In the FATHER'S column, enter the court ordered child support he is ordered to pay for children other than the children listed on the primary worksheet. In the OTHER PARENT'S column list the amount that mother is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of the Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.

IN THE _____ DISTRICT COURT

_____, COUNTY, STATE OF UTAH

<p>_____</p> <p style="text-align: center;">vs.</p> <p>_____</p> <p>The Combined Child Support Obligation Table used for calculation is:</p> <p>() 78B-12-301(1) and 78B-12-302(1)</p> <p>() 78B-12-301(2) and 78B-12-302(2)</p>	<p>WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME</p> <p>Civil No. _____</p>
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	MOTHER	OTHER PARENT	COMBINED
OTHER PARENT NAME _____			
1. Enter the # of natural and adopted children of the mother and the other parent.			
2a. Enter the mother's and other parent's gross monthly income. Refer to Instructions for definition.	\$	\$	
2b. Enter previously ordered alimony that is actually paid. (Do not enter alimony ordered for this case.)	—	—	
2c. Enter pre-existing ordered child support. (Do not enter obligations ordered for the children in this case.)	—	—	
3. Subtract Lines 2b and 2c from 2a. This is the Adjusted Monthly Gross Income for child support purposes.	\$	\$	\$
4. Take the COMBINED figure in Line 3 and the number of children in Line 1 to the Support Table. Find the Combined Support Obligation. Enter it here.			\$
5. Divide each parent's adjusted monthly gross in Line 3 by the COMBINED adjusted monthly gross in Line 3.	%	%	
6. Multiply Line 4 by Line 5 for each parent to obtain each parent's share of the Base Support Obligation.	\$	\$	
7. Enter the amount of the children's portion of the insurance premium actually paid.			\$
8. Enter the monthly work or training related child care expense for the children in Line 1.			\$

9.	MOTHER'S SHARE OF BASE CHILD SUPPORT AWARD FOR THE CHILDREN IN LINE 1. Enter the amount for the mother from Line 6.	\$
10.	MOTHER'S SHARE OF CHILDREN'S INSURANCE FOR THE CHILDREN IN LINE 1. Multiply Line 7 by .50, and enter the result here.	\$
11.	MOTHER'S SHARE OF WORK OR TRAINING RELATED CHILD CARE EXPENSES FOR THE CHILDREN IN LINE 1. Multiply Line 8 by .50, and enter the result here.	\$
12.	MOTHER'S SHARE OF TOTAL CHILD SUPPORT OBLIGATION TO THE CHILDREN IN LINE 1. Add Lines 9, 10, and 11. This amount may be used to adjust the mother's gross income on the sole, split, or joint custody worksheets.	\$

INSTRUCTIONS FOR CHILDREN IN THE MOTHER'S HOME WORKSHEET

Use this worksheet to determine the mother's obligation for natural or adopted children who live in her home and who are not children of the father listed on the Sole, Split, or Joint Custody Worksheets (primary worksheets). The mother may use this worksheet in modifying an existing child support award, setting a paternity award, or other appropriate circumstances where the mother has child support obligations for other children.

Other Parent Name: The other parent may be a current spouse, partner, or an ex-spouse of the mother.

Line 1. Enter the number of natural or adopted children of the mother and the other parent named on this worksheet. If the mother has children in her home by more than one father, complete a separate WORKSHEET TO DETERMINE MOTHER'S OBLIGATION TO CHILDREN IN HER PRESENT HOME for the children of each other parent.

Line 2a. Enter the mother's and other parent's gross monthly income. U.C.A. 78B-12-203(1) states: "As used in the guidelines, 'gross income' includes prospective income from any source, including earned and nonearned income sources which may include salaries, wages, commissions, royalties, bonuses, rents, gifts from anyone, prizes, dividends, severance pay, pensions, interest, trust income, alimony from previous marriages, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment compensation, income replacement disability insurance benefits, and payments from 'nonmeans-tested' government programs." U.C.A. 78B-12-203(2) states: "Income from earned income sources is limited to the equivalent of one full-time 40-hour job." Refer to U.C.A. 78B-12-203 for additional information about determining gross income.

All income must be verified. Verification includes: year to date pay stubs, employer statements or records, the last year's tax return and documentation of non-earned income appropriate to the source.

Line 2b. In the MOTHER'S column, enter the monthly alimony amount she is paying to a parent other than the one listed on this worksheet or the primary worksheet. In the OTHER PARENT'S column enter the monthly alimony that father is paying to someone other than the mother listed on this worksheet.

Line 2c. In the MOTHER'S column, enter the court ordered child support she is ordered to pay for children other than the children listed on the primary worksheet. In the OTHER PARENT'S column list the amount that father is ordered to pay for children other than those listed on this worksheet.

Line 7. In the combined column, enter the children's portion of insurance premium that is actually paid. To determine the children's portion divide the total premium by the number of persons covered by the policy and then multiply that number by the number of children listed on this worksheet that are covered by policy.

Line 8. Enter the amount of work-related, reasonable, child care expenses for up to a full-time work week or training schedule.

Line 9. Complete this line as directed.

Line 10. Complete the calculation as directed.

Line 11. Complete the calculation as directed.

Line 12. Enter the amount on this line on Line 2d of the Sole Custody Worksheet, Line 3d of the Split Custody Worksheet or Line 2d of the Joint Custody Worksheet.

78B-12-301 Base combined child support obligation table -- Both parents.

The table in this section shall be used to:

- (1) establish a child support order entered for the first time on or after January 1, 2008;
- (2) modify a child support order entered for the first time on or after January 1, 2008;
- (3) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008; or
- (4) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010.

Monthly Combined Adj. Gross Income		Number of Children					
		1	2	3	4	5	6
From	To						
726 -	750	138	245	286	319	351	382
751 -	775	141	252	294	328	360	392
776 -	800	146	259	301	336	370	402
801 -	825	151	265	309	345	379	412
826 -	850	155	272	317	353	389	423
851 -	875	160	279	324	362	398	433
876 -	900	165	285	332	370	407	443
901 -	925	169	292	340	379	417	453
926 -	950	174	299	348	387	426	464
951 -	975	179	305	355	396	436	474
976 -	1,000	183	312	363	405	445	484
1,001 -	1,050	193	322	374	417	459	500
1,051 -	1,100	201	335	390	435	478	520
1,101 -	1,150	210	348	405	452	497	541
1,151 -	1,200	220	362	420	469	516	561
1,201 -	1,250	229	375	436	486	535	582
1,251 -	1,300	238	388	451	503	553	602
1,301 -	1,350	248	401	467	520	572	623
1,351 -	1,400	256	414	481	536	590	642
1,401 -	1,450	265	426	495	552	607	661
1,451 -	1,500	275	438	510	568	625	680
1,501 -	1,550	284	451	524	584	643	699
1,551 -	1,600	293	463	538	600	660	718

1,601 -	1,650	303	476	553	616	678	737
1,651 -	1,700	311	488	567	632	695	757
1,701 -	1,750	320	500	581	648	713	776
1,751 -	1,800	330	513	596	664	731	795
1,801 -	1,850	339	525	610	680	748	814
1,851 -	1,900	348	538	624	696	766	833
1,901 -	1,950	358	550	638	712	783	852
1,951 -	2,000	366	562	652	727	800	870
2,001 -	2,100	385	580	673	750	825	898
2,101 -	2,200	399	604	701	781	859	935
2,201 -	2,300	410	628	728	812	893	972
2,301 -	2,400	420	652	756	843	927	1,009
2,401 -	2,500	431	676	784	874	961	1,046
2,501 -	2,600	443	700	811	904	995	1,082
2,601 -	2,700	453	723	838	934	1,028	1,118
2,701 -	2,800	464	747	865	964	1,060	1,154
2,801 -	2,900	475	770	891	994	1,093	1,189
2,901 -	3,000	485	794	918	1,024	1,126	1,225
3,001 -	3,100	496	817	945	1,054	1,159	1,261
3,101 -	3,200	508	838	970	1,081	1,189	1,294
3,201 -	3,300	518	859	994	1,108	1,219	1,326
3,301 -	3,400	529	881	1,018	1,135	1,248	1,358
3,401 -	3,500	539	902	1,042	1,162	1,278	1,391
3,501 -	3,600	548	923	1,066	1,189	1,308	1,423
3,601 -	3,700	555	944	1,090	1,216	1,337	1,455
3,701 -	3,800	564	965	1,115	1,243	1,367	1,487
3,801 -	3,900	573	985	1,138	1,269	1,396	1,519
3,901 -	4,000	581	1,004	1,160	1,294	1,423	1,548
4,001 -	4,100	590	1,024	1,182	1,318	1,450	1,577
4,101 -	4,200	599	1,043	1,204	1,342	1,477	1,607
4,201 -	4,300	608	1,062	1,226	1,367	1,503	1,636
4,301 -	4,400	616	1,081	1,248	1,391	1,530	1,665

4,401 -	4,500	624	1,101	1,270	1,416	1,557	1,694
4,501 -	4,600	633	1,119	1,291	1,439	1,583	1,722
4,601 -	4,700	641	1,133	1,306	1,456	1,601	1,742
4,701 -	4,800	650	1,147	1,321	1,473	1,620	1,762
4,801 -	4,900	659	1,161	1,336	1,489	1,638	1,783
4,901 -	5,000	668	1,175	1,351	1,506	1,657	1,803
5,001 -	5,100	676	1,189	1,366	1,523	1,675	1,823
5,101 -	5,200	684	1,203	1,381	1,540	1,694	1,843
5,201 -	5,300	693	1,217	1,396	1,557	1,712	1,863
5,301 -	5,400	701	1,227	1,408	1,570	1,726	1,878
5,401 -	5,500	710	1,238	1,419	1,582	1,741	1,894
5,501 -	5,600	719	1,248	1,431	1,595	1,755	1,909
5,601 -	5,700	728	1,259	1,442	1,608	1,769	1,925
5,701 -	5,800	733	1,269	1,454	1,621	1,783	1,940
5,801 -	5,900	739	1,280	1,465	1,634	1,797	1,956
5,901 -	6,000	745	1,290	1,477	1,647	1,812	1,971
6,001 -	6,100	751	1,302	1,490	1,661	1,827	1,988
6,101 -	6,200	756	1,313	1,503	1,676	1,843	2,005
6,201 -	6,300	763	1,325	1,516	1,690	1,859	2,023
6,301 -	6,400	769	1,336	1,528	1,704	1,874	2,039
6,401 -	6,500	775	1,347	1,540	1,717	1,889	2,055
6,501 -	6,600	780	1,358	1,553	1,731	1,904	2,072
6,601 -	6,700	786	1,369	1,565	1,745	1,919	2,088
6,701 -	6,800	786	1,380	1,577	1,759	1,934	2,105
6,801 -	6,900	841	1,391	1,590	1,772	1,950	2,121
6,901 -	7,000	850	1,402	1,602	1,786	1,965	2,138
7,001 -	7,100	859	1,413	1,614	1,800	1,980	2,154
7,101 -	7,200	868	1,417	1,618	1,804	1,985	2,159
7,201 -	7,300	876	1,420	1,621	1,807	1,988	2,163
7,301 -	7,400	883	1,423	1,624	1,811	1,992	2,167
7,401 -	7,500	888	1,426	1,627	1,814	1,996	2,171
7,501 -	7,600	894	1,429	1,630	1,818	1,999	2,175

7,601 -	7,700	899	1,432	1,633	1,821	2,003	2,179
7,701 -	7,800	904	1,436	1,636	1,824	2,007	2,184
7,801 -	7,900	910	1,439	1,639	1,828	2,011	2,188
7,901 -	8,000	915	1,442	1,642	1,831	2,014	2,192
8,001 -	8,100	921	1,445	1,646	1,835	2,018	2,196
8,101 -	8,200	926	1,448	1,649	1,838	2,022	2,200
8,201 -	8,300	933	1,451	1,652	1,842	2,026	2,204
8,301 -	8,400	938	1,454	1,655	1,845	2,029	2,208
8,401 -	8,500	944	1,460	1,661	1,852	2,037	2,216
8,501 -	8,600	949	1,475	1,678	1,871	2,058	2,240
8,601 -	8,700	954	1,491	1,696	1,891	2,080	2,263
8,701 -	8,800	960	1,506	1,714	1,911	2,102	2,287
8,801 -	8,900	965	1,522	1,732	1,931	2,124	2,311
8,901 -	9,000	971	1,537	1,749	1,951	2,146	2,334
9,001 -	9,100	976	1,553	1,767	1,970	2,167	2,358
9,101 -	9,200	983	1,568	1,785	1,990	2,189	2,382
9,201 -	9,300	988	1,584	1,803	2,010	2,211	2,405
9,301 -	9,400	994	1,599	1,820	2,030	2,233	2,429
9,401 -	9,500	999	1,614	1,838	2,049	2,254	2,453
9,501 -	9,600	1,004	1,630	1,856	2,069	2,276	2,477
9,601 -	9,700	1,010	1,645	1,874	2,089	2,298	2,500
9,701 -	9,800	1,015	1,661	1,891	2,109	2,320	2,524
9,801 -	9,900	1,021	1,673	1,905	2,124	2,336	2,542
9,901 -	10,000	1,026	1,683	1,917	2,137	2,351	2,557
10,001 -	10,100	1,033	1,694	1,928	2,150	2,365	2,573
10,101 -	10,200	1,039	1,704	1,940	2,163	2,379	2,589
10,201 -	10,300	1,045	1,715	1,951	2,176	2,394	2,604
10,301 -	10,400	1,051	1,725	1,963	2,189	2,408	2,620
10,401 -	10,500	1,058	1,736	1,975	2,202	2,422	2,635
10,501 -	10,600	1,064	1,746	1,986	2,215	2,436	2,651
10,601 -	10,700	1,070	1,757	1,998	2,228	2,451	2,666
10,701 -	10,800	1,077	1,767	2,010	2,241	2,465	2,682

10,801 -	10,900	1,083	1,778	2,021	2,254	2,479	2,697
10,901 -	11,000	1,090	1,788	2,033	2,267	2,494	2,713
11,001 -	11,100	1,096	1,799	2,045	2,280	2,508	2,729
11,101 -	11,200	1,103	1,809	2,056	2,293	2,522	2,744
11,201 -	11,300	1,109	1,820	2,068	2,306	2,537	2,760
11,301 -	11,400	1,116	1,830	2,080	2,319	2,551	2,775
11,401 -	11,500	1,123	1,841	2,091	2,332	2,565	2,791
11,501 -	11,600	1,129	1,851	2,103	2,345	2,579	2,806
11,601 -	11,700	1,136	1,862	2,115	2,358	2,594	2,822
11,701 -	11,800	1,143	1,872	2,126	2,371	2,608	2,838
11,801 -	11,900	1,150	1,882	2,138	2,383	2,622	2,852
11,901 -	12,000	1,157	1,892	2,148	2,395	2,635	2,867
12,001 -	12,100	1,164	1,901	2,159	2,407	2,648	2,881
12,101 -	12,200	1,171	1,910	2,170	2,419	2,661	2,895
12,201 -	12,300	1,178	1,919	2,180	2,431	2,674	2,910
12,301 -	12,400	1,185	1,929	2,191	2,443	2,687	2,924
12,401 -	12,500	1,192	1,938	2,202	2,455	2,700	2,938
12,501 -	12,600	1,199	1,947	2,212	2,467	2,714	2,952
12,601 -	12,700	1,206	1,956	2,223	2,479	2,727	2,967
12,701 -	12,800	1,213	1,966	2,234	2,491	2,740	2,981
12,801 -	12,900	1,220	1,975	2,245	2,503	2,753	2,995
12,901 -	13,000	1,227	1,984	2,255	2,514	2,766	3,009
13,001 -	13,100	1,233	1,993	2,265	2,525	2,778	3,022
13,101 -	13,200	1,239	2,001	2,275	2,536	2,790	3,035
13,201 -	13,300	1,245	2,010	2,285	2,547	2,802	3,049
13,301 -	13,400	1,250	2,018	2,294	2,558	2,814	3,062
13,401 -	13,500	1,256	2,027	2,304	2,569	2,826	3,075
13,501 -	13,600	1,262	2,035	2,314	2,580	2,838	3,088
13,601 -	13,700	1,267	2,044	2,324	2,591	2,850	3,101
13,701 -	13,800	1,273	2,052	2,334	2,602	2,862	3,114
13,801 -	13,900	1,279	2,061	2,344	2,613	2,875	3,127
13,901 -	14,000	1,284	2,069	2,354	2,624	2,887	3,141

14,001 -	14,100	1,290	2,078	2,363	2,635	2,899	3,154
14,101 -	14,200	1,296	2,087	2,373	2,646	2,911	3,167
14,201 -	14,300	1,301	2,095	2,383	2,657	2,923	3,180
14,301 -	14,400	1,306	2,104	2,393	2,668	2,935	3,193
14,401 -	14,500	1,312	2,112	2,403	2,679	2,947	3,206
14,501 -	14,600	1,317	2,121	2,413	2,690	2,959	3,220
14,601 -	14,700	1,323	2,129	2,423	2,701	2,971	3,233
14,701 -	14,800	1,329	2,138	2,432	2,712	2,983	3,246
14,801 -	14,900	1,334	2,146	2,442	2,723	2,995	3,259
14,901 -	15,000	1,340	2,155	2,452	2,734	3,008	3,272
15,001 -	15,100	1,345	2,163	2,461	2,744	3,018	3,284
15,101 -	15,200	1,351	2,170	2,469	2,752	3,028	3,294
15,201 -	15,300	1,357	2,177	2,476	2,761	3,037	3,304
15,301 -	15,400	1,362	2,184	2,484	2,769	3,046	3,314
15,401 -	15,500	1,368	2,191	2,491	2,778	3,056	3,325
15,501 -	15,600	1,373	2,198	2,499	2,786	3,065	3,335
15,601 -	15,700	1,379	2,205	2,507	2,795	3,074	3,345
15,701 -	15,800	1,384	2,211	2,514	2,803	3,084	3,355
15,801 -	15,900	1,390	2,218	2,522	2,812	3,093	3,365
15,901 -	16,000	1,395	2,225	2,529	2,820	3,102	3,375
16,001 -	16,100	1,401	2,232	2,537	2,829	3,112	3,385
16,101 -	16,200	1,407	2,239	2,545	2,837	3,121	3,396
16,201 -	16,300	1,412	2,246	2,552	2,846	3,130	3,406
16,301 -	16,400	1,418	2,253	2,560	2,854	3,140	3,416
16,401 -	16,500	1,423	2,260	2,567	2,863	3,149	3,426
16,501 -	16,600	1,429	2,267	2,575	2,871	3,158	3,436
16,601 -	16,700	1,434	2,274	2,583	2,880	3,168	3,446
16,701 -	16,800	1,440	2,281	2,590	2,888	3,177	3,457
16,801 -	16,900	1,445	2,288	2,598	2,897	3,186	3,467
16,901 -	17,000	1,451	2,295	2,605	2,905	3,196	3,477
17,001 -	17,100	1,456	2,302	2,613	2,914	3,205	3,487
17,101 -	17,200	1,462	2,309	2,621	2,922	3,214	3,497

17,201 -	17,300	1,467	2,316	2,628	2,931	3,224	3,507
17,301 -	17,400	1,473	2,323	2,636	2,939	3,233	3,517
17,401 -	17,500	1,478	2,330	2,643	2,947	3,242	3,528
17,501 -	17,600	1,483	2,337	2,651	2,956	3,252	3,538
17,601 -	17,700	1,489	2,344	2,659	2,964	3,261	3,548
17,701 -	17,800	1,494	2,351	2,666	2,973	3,270	3,558
17,801 -	17,900	1,499	2,358	2,674	2,981	3,280	3,568
17,901 -	18,000	1,505	2,365	2,682	2,990	3,289	3,578
18,001 -	18,100	1,510	2,372	2,689	2,998	3,298	3,588
18,101 -	18,200	1,516	2,379	2,697	3,007	3,308	3,599
18,201 -	18,300	1,520	2,386	2,704	3,015	3,317	3,609
18,301 -	18,400	1,525	2,392	2,712	3,024	3,326	3,619
18,401 -	18,500	1,530	2,399	2,720	3,032	3,336	3,629
18,501 -	18,600	1,535	2,406	2,727	3,041	3,345	3,639
18,601 -	18,700	1,540	2,413	2,735	3,049	3,354	3,649
18,701 -	18,800	1,545	2,420	2,742	3,058	3,364	3,659
18,801 -	18,900	1,550	2,427	2,750	3,066	3,373	3,670
18,901 -	19,000	1,555	2,434	2,758	3,075	3,382	3,680
19,001 -	19,100	1,560	2,441	2,765	3,083	3,391	3,690
19,101 -	19,200	1,565	2,448	2,773	3,092	3,401	3,700
19,201 -	19,300	1,570	2,455	2,780	3,100	3,410	3,710
19,301 -	19,400	1,575	2,462	2,788	3,109	3,419	3,720
19,401 -	19,500	1,580	2,469	2,796	3,117	3,429	3,731
19,501 -	19,600	1,585	2,476	2,803	3,126	3,438	3,741
19,601 -	19,700	1,590	2,483	2,811	3,134	3,447	3,751
19,701 -	19,800	1,595	2,490	2,818	3,143	3,457	3,761
19,801 -	19,900	1,600	2,497	2,826	3,151	3,466	3,771
19,901 -	20,000	1,605	2,504	2,834	3,159	3,475	3,781
20,001 -	22,000	1,766	2,754	3,117	3,475	3,822	4,159
22,001 -	24,000	1,926	3,005	3,401	3,791	4,170	4,537
24,001 -	26,000	2,087	3,255	3,684	4,107	4,518	4,915
26,001 -	28,000	2,247	3,506	3,968	4,423	4,865	5,293

28,001 -	30,000	2,408	3,756	4,251	4,739	5,213	5,672
30,001 -	32,000	2,508	3,916	4,451	4,979	5,473	5,952
32,001 -	34,000	2,608	4,076	4,651	5,219	5,733	6,232
34,001 -	36,000	2,708	4,236	4,851	5,459	5,993	6,512
36,001 -	38,000	2,808	4,396	5,051	5,699	6,253	6,792
38,001 -	40,000	2,908	4,556	5,251	5,939	6,513	7,072
40,001 -	42,000	3,008	4,716	5,451	6,179	6,773	7,352
42,001 -	44,000	3,108	4,876	5,651	6,419	7,033	7,632
44,001 -	46,000	3,208	5,036	5,851	6,659	7,293	7,912
46,001 -	48,000	3,308	5,196	6,051	6,899	7,553	8,192
48,001 -	50,000	3,408	5,356	6,251	7,139	7,813	8,472
50,001 -	52,000	3,508	5,476	6,391	7,299	7,993	8,672
52,001 -	54,000	3,608	5,596	6,531	7,459	8,173	8,872
54,001 -	56,000	3,708	5,716	6,671	7,619	8,353	9,072
56,001 -	58,000	3,808	5,836	6,811	7,779	8,533	9,272
58,001 -	60,000	3,908	5,956	6,951	7,939	8,713	9,472
60,001 -	62,000	4,008	6,076	7,091	8,099	8,893	9,672
62,001 -	64,000	4,108	6,196	7,231	8,259	9,073	9,872
64,001 -	66,000	4,208	6,316	7,371	8,419	9,253	10,072
66,001 -	68,000	4,308	6,436	7,511	8,579	9,433	10,272
68,001 -	70,000	4,408	6,556	7,651	8,739	9,613	10,472
70,001 -	72,000	4,508	6,676	7,791	8,899	9,793	10,672
72,001 -	74,000	4,608	6,796	7,931	9,059	9,973	10,872
74,001 -	76,000	4,708	6,916	8,071	9,219	10,153	11,072
76,001 -	78,000	4,808	7,036	8,211	9,379	10,333	11,272
78,001 -	80,000	4,908	7,156	8,351	9,539	10,513	11,472
80,001 -	82,000	5,008	7,276	8,491	9,699	10,693	11,672
82,001 -	84,000	5,108	7,396	8,631	9,859	10,873	11,872
84,001 -	86,000	5,208	7,516	8,771	10,019	11,053	12,072
86,001 -	88,000	5,308	7,636	8,911	10,179	11,233	12,272
88,001 -	90,000	5,408	7,756	9,051	10,339	11,413	12,472
90,001 -	92,000	5,508	7,876	9,191	10,499	11,593	12,672

92,001 -	94,000	5,608	7,996	9,331	10,659	11,773	12,872
94,001 -	96,000	5,708	8,116	9,471	10,819	11,953	13,072
96,001 -	98,000	5,808	8,236	9,611	10,979	12,133	13,272
98,001 -	100,000	5,908	8,356	9,751	11,139	12,313	13,472

Renumbered and Amended by Chapter 3, 2008 General Session

Amended by Chapter 37, 2008 General Session

Appendix 13: Child Support Worksheets and Official Child Support Table

DHS ORS CSS GWID
03/14/01

INSURANCE PREMIUM AND CHILD CARE ADJUSTMENT WORKSHEET INSURANCE ADJUSTMENT

Use this section of the worksheet to calculate how the children's medical insurance premium expenses change the amount the obligor pays to the obligee.

If the OBLIGOR parent is ordered to maintain medical insurance for the children complete this section.

A. Enter the amount of the children's portion of the medical insurance premium actually paid by the obligor.	\$
B. Multiply Line A. by .50 to obtain the obligee's share of the premium.	\$
C. Subtract the amount in Line B. from the base child support award to obtain the amount the obligor pays to the obligee for the months the premium is actually paid. Enter the result here.	\$

If the OBLIGEE parent is ordered to maintain medical insurance for the children complete this section.

D. Enter the amount of the children's portion of the medical insurance premium actually paid by the obligee.	\$
E. Multiply Line D. by .50 to obtain the obligor's share of the premium.	\$
F. Add the amount in Line E. to the base child support award to obtain the amount the obligor pays to the obligee for the months the premium is actually paid.	\$

No credit or offset is allowed unless the premium is actually paid. If the premium is not paid, the obligor must pay the amount of the base child support award.

CHILD CARE ADJUSTMENT

Use this section of the worksheet to calculate how the children's child care expenses change the amount the obligor pays to the obligee.

G. Enter the average amount of the monthly child care expense actually paid by the obligee.	\$
H. Multiply Line G. by .50 to obtain the obligor's share of the child care expense. Enter the result here. Complete box I, J, or K. below.	\$
I. If neither parent is maintaining insurance , add the amount in Line H. to the base child support award to obtain the amount the obligor pays to the obligee for the months the child care expense is incurred. Enter the result here.	\$
J. If the obligor is maintaining insurance , add the amount in Line H. to the amount in Line C. to obtain the amount the obligor pays to the obligee for the months the child care expense is incurred. Enter the result here.	\$
K. If the obligee is maintaining insurance , add the amount in Line H. to the amount in Line F. to obtain the amount the obligor pays to the obligee for the months the child care expense is incurred. Enter the result here.	\$

Team (Team Number)
Case No. (Case Number)
10/94

INSTRUCTIONS FOR THE INSURANCE PREMIUM AND CHILD CARE ADJUSTMENT WORKSHEET

Line A. Enter the children's portion of the medical insurance premium actually paid by the obligor. Obtain this figure by dividing the premium amount actually paid by the obligor by the number of persons covered by the policy and then multiplying that number by the number of children in this case covered by the policy.

Line B. Complete the calculation as directed.

Line C. Complete the calculation as directed. The base child support award is found on line 7 of the sole custody worksheet, line 10 of the split custody worksheet, and line 10 of the joint custody worksheet.

Line D. Enter the children's portion of the medical insurance premium actually paid by the obligee. Obtain this figure by dividing the premium amount actually paid by the obligee by the number of persons covered by the policy and then multiplying that number by the number of children in this case covered by the policy.

Line E. Complete the calculation as directed.

Line F. Complete the calculation as directed. The base child support award is found on line 7 of the sole custody worksheet, line 10 of the split custody worksheet, and line 10 on the joint custody worksheet.

Line G. Enter the average amount of monthly child care expense actually paid by the obligee for the children in this case.

Line H. Complete the calculation as directed.

Line I. Complete the calculation as directed. The base child support award is found on line 7 of the sole custody worksheet, line 10 of the split custody worksheet, and line 10 of the joint custody worksheet.

Line J. Complete the calculation as directed.

Line K. Complete the calculation as directed.